

International Labour Conference

NINETEENTH SESSION

GENEVA, 1935

REDUCTION OF HOURS OF WORK

with special reference to .

- (a)* Public Works undertaken or subsidised by Governments;
- (b)* Iron and Steel, *(c)* Building and Contracting;
- (d)* Glass Bottle Manufacture; *(e)* Coal Mines

Item VI on the Agenda

Vol. V: Coal Mines

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GENEVA, SWITZERLAND

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INTRODUCTION

The various stages in the discussion of the question of the reduction of hours of work up to the date of the Eighteenth (1934) Session of the International Labour Conference have been set out in previous Reports of the International Labour Office¹ It is not necessary here, therefore, to give more than a brief statement of the proceedings of the Eighteenth Session of the Conference and of the circumstances in which the question has again been placed on the Agenda of the Nineteenth Session

The Eighteenth Session of the Conference, which met in June 1934, had before it a Report submitted by the Office containing the replies of the Governments of the States Members of the Organisation to a Questionnaire framed in accordance with decisions of the previous Session and the texts of two proposed Draft Conventions, drawn up by the International Labour Office and relating respectively to industry and to commerce and offices In presenting these texts, the Office drew the attention of the Conference to certain difficulties it had experienced in framing them These difficulties were due to the fact that the Report had had to be prepared at a time when replies to the Questionnaire had not yet been received from the Governments of a number of countries, including some of considerable industrial importance, and that several of the replies that were available indicated varying degrees of hesitancy on the part of Governments to accept a general obligation to apply the reduction of hours of work over the whole field of industrial and commercial employment

¹ INTERNATIONAL LABOUR OFFICE *Hours of Work and Unemployment* (Report to the Preparatory Conference, January 1933), *Reduction of Hours of Work Report of the Tripartite Preparatory Conference* (International Labour Conference, Seventeenth Session, Geneva, 1933, Report V), *Reduction of Hours of Work* (International Labour Conference, Eighteenth Session, Geneva, 1934, Report I)

Cf also *International Labour Review*, Vol XXVII, No 3, March 1933 "The Preparatory Conference on the Forty-Hour Week", by Fernand Maurette, Vol XXVIII, No 3, September 1933 "The Seventeenth Session of the International Labour Conference", and Vol XXX, No 3, September 1934 "The Eighteenth Session of the International Labour Conference "

The apprehensions of the Office as to the likelihood of general acceptance of its drafts at the Conference were justified by the event. After a lengthy general discussion, the Conference decided, by 71 votes to 22, to refer the Report and drafts prepared by the Office to a Committee for consideration. The Employers' delegates (with the exception of the Italian Employers' representative) declined, however, to take part in the work of this Committee. Owing to the fact that the normal distribution of voting power in the Committee was thus disturbed and that the voting strength of the Government representatives on it was not always exercised to the full, the Workers' members of the Committee were able to secure the adoption of every amendment to the texts submitted by the Office of which they approved and the rejection of every amendment of which they disapproved. The result was that while most of the provisions of these texts were accepted without change, the scope of the proposed Draft Conventions was considerably extended by the deletion or amendment of certain provisions relating to exceptions and exemptions from their application. When, therefore, the texts adopted by the Committee came up for consideration by the Conference in plenary sitting, it was impossible to secure a sufficient measure of general agreement in the Conference as to the scope of the proposed Draft Conventions, and the quorum was not obtained in the vote on the first Article of the proposed Draft Convention relating to industrial undertakings.

It was clear that further progress could not be made on the lines hitherto followed, and the Conference therefore adopted, by 75 votes to 37, a resolution which, while endorsing the principle of the reduction of hours of work and declining to abandon the attempt to give effect to the principle through some form of international regulations, provided for the possibility of a new line of approach to the solution of the problem which it had not been able to achieve at that Session. The terms of this resolution were as follows:

Whereas the reduction of hours of work, considered either as a palliative of unemployment or as a method of enabling the workers to share in the benefits of technical progress remains one of the principal tasks of the Organisation,

Whereas the Conference, by its first discussion of the question last year and by embarking at its Eighteenth Session upon the procedure for the adoption of Draft Conventions or Recommendations, has been in favour of the principle of the reform,

The Eighteenth Session of the International Labour Conference, While recognising that at the Eighteenth Session it has not

been possible to obtain the essential quorum upon the drafts under consideration,

Requests the Office to obtain further information and the Governing Body to place once more the question of the reduction of hours of work upon the Agenda of the next Session of the Conference, for the adoption of one or more Draft Conventions

When this Resolution of the Eighteenth Session of the Conference came before the Governing Body in September 1934, the development of the discussions on the reduction of hours of work had been as follows

Although the representatives of the Employers (with the exception of the Italian representative) had consistently opposed the reduction of hours of work as a suitable means of reducing unemployment, the principle of the proposal had been endorsed repeatedly by substantial majorities. It had not, however, been possible to secure sufficient agreement for the application of the principle by means of general Conventions applicable respectively to industrial undertakings as a whole and to commercial and similar establishments as a whole. The possibility of a series of Conventions each applicable to a particular industry or group of industries had been envisaged in the early stages of the discussion, but progress on these lines had not continued because of the desire, in view of the steadily increasing gravity of the unemployment problem, to secure effective international action as soon and on as wide a scale as possible. With the failure of the efforts to reach sufficient agreement on general Conventions, the question again arose of giving effect to the principle through a series of special Conventions, or some similar device. Moreover, apart from the course of the discussions in the Organisation, the development of the economic situation had led to increasing stress being laid on the importance of a reduction of hours of work as a means not only of diminishing unemployment but also of enabling workers to share in the benefits of technical progress. Despite the general economic depression, technical development had proceeded at an uninterrupted and indeed, it might be said, at an accelerated pace, and there was good reason for fearing that, even if production were restored to the pre-depression level, there would still be, at any rate in certain industries, very large numbers of workers who could never be re-employed if hours of work were maintained at their former level. There had also been important developments in two other respects. The United States of America had undertaken a reduction of hours of work over virtually the whole field of industrial and

office employment and consideration had to be given both to the results of this application of the principle on a scale far exceeding any previous attempts in other countries and to the fact that the application had been effected "industry by industry", the arrangements for each industry conforming generally to a uniform standard but making special provision for special requirements. Finally, there was the important fact that two great industrial countries, the United States of America and the Union of Soviet Socialist Republics, had both become Members of the International Labour Organisation.

It was in these circumstances that the Governing Body of the International Labour Office, in September 1934, took up consideration of the Resolution adopted by the Eighteenth Session of the Conference. During the discussions of the Governing Body, the Employers' representatives (always with the exception of the Italian representative) maintained their attitude of opposition to the principle of reduction of hours of work, while the Workers' representatives still pressed to have the question placed on the Agenda of the Nineteenth Session of the Conference with a view to the adoption of a general Convention. A proposal to this effect by the Workers' group was, however, rejected by 18 votes to 10 and the Governing Body adopted, by 22 votes to 7, the following Resolution submitted by nine Government representatives:

The Governing Body decides

(1) to place the reduction of hours of work on the Agenda of the Nineteenth Session of the Conference,

(2) to instruct the Office to draw up a draft for a single Convention providing for the reduction of hours of work in all classes of establishments. The Conference shall determine at that Session and at subsequent Sessions the classes of establishment to which this reduction shall apply, and the methods of application for each of them,

(3) to reserve until the next Session of the Governing Body—which will have before it reports to be prepared by the Office, including the information received in the meantime from the Governments—the final selection of the industries, establishments or categories to which it is proposed that the Nineteenth Session of the Conference should apply the reduction of hours of work.

It will be noted that by the second paragraph of the resolution of the Governing Body the Office was instructed to draw up a draft for a single Convention on the reduction of hours of work. On careful examination the Office found that, for the reasons set out

in the First Part of this Report, it would hardly be practicable to deal with the matter in this way, and accordingly the Office has had to submit to the Conference for consideration an alternative method of achieving the purpose which the Governing Body had in mind

The final selection of industries to be considered by the Nineteenth Session of the Conference in accordance with the third paragraph of this resolution was made by the Governing Body at its Sixty-ninth Session in January 1935, with the result that the question appears on the Agenda in the following form:

Reduction of Hours of Work with special reference to

- (a) Public works undertaken or subsidised by Governments,
- (b) Iron and steel;
- (c) Building and contracting
- (d) Glass bottle manufacture
- (e) Coal mines

The Governing Body also decided that the question should be regarded as a single item on the Agenda and not as five separate items. This followed logically upon the decisions already taken, for while it had been agreed that the Conference should be called upon to consider the adoption of an international instrument laying down the principle of a general reduction of hours of work, it was recognised that there would be little value in a mere declaration of principle unaccompanied by any measures to give it practical application. It was of course, left to the Conference itself to decide whether it would deal with the item on the Agenda by way of a single discussion or by the usual double-discussion procedure, but, having regard to the fact that the question had already been before the Conference on several occasions and that the Eighteenth Session appeared from the terms of its Resolution, to have contemplated the adoption of one or more Draft Conventions at the next Session, the Governing Body proceeded on the assumption that the Conference might wish to reach a final decision at the Nineteenth Session in respect of at least one of the categories of employment mentioned in the item on the Agenda.

The Office has accordingly had to prepare for submission to the Conference a Report on this item on the Agenda which will enable it to proceed by way of either a single or a double-discussion procedure. In accordance with the Standing Orders of the

Conference, a Grey Report prepared for the first stage of the double-discussion procedure, which includes a statement of the law and practice in the various countries and a list of points as a basis for the consultation of Governments by means of a Questionnaire, has to be submitted to the Governing Body before it is despatched to Governments. In view of the special circumstances, an accelerated procedure has been adopted, but the necessity for submitting the Grey sections of the present Report to the Members of the Governing Body has inevitably delayed the publication of the Report as a whole.

Although the reduction of hours of work appears on the Agenda as a single item, it has been thought convenient to divide the Report submitted to the Conference into five separate but connected volumes, each dealing with one industry. Each volume contains, in addition to the present Introduction, three parts. Part I deals with the general principle of the reduction of hours of work and the proposals that the Office submits to the Conference for consideration in this connection, and with the reasons for which it has seemed appropriate to apply the principle in the first place to the five industries or categories of employment specified in the item on the Agenda. This matter is common to all five volumes of the Report. Part I also contains a brief examination, from the point of view of suitability for immediate consideration, of the characteristics of the particular industry or category of employment to which the volume relates. Part II of each volume provides a basis for the work of the Conference if it should decide to follow the procedure of double discussion. It gives, on the usual lines of a Grey Report, an account of existing regulations for the limitation of hours of work in the particular category of employment to which the volume relates and an examination of the problems arising in connection with international regulations, and concludes with a draft list of points on which the Office suggests that Governments might be consulted with a view to the second stage of the double-discussion procedure. Part III provides a basis for the work of the Conference if it should decide to take a final decision at its Nineteenth Session. This corresponds to the usual Blue Report and concludes with the text of a proposed Draft Convention submitted by the Office to the consideration of the Conference. Parts II and III are each more or less self-contained, this being thought to be the more convenient arrangement even though it entails some repetition in Part III of matters already discussed in Part II. A sixth, supplementary volume gives, by way of common

appendix to each of the other five volumes, a summary statement of the laws and regulations concerning hours of work in a number of countries which are of general application and not special to the particular industries dealt with in the other volumes

Geneva, *April 1935*.

FIRST PART

GENERAL OBSERVATIONS

I — THE GENERAL PRINCIPLE OF THE REDUCTION OF HOURS OF WORK

It is not proposed, in this Section, to discuss the merits of the case for the reduction of hours of work. In the previous Reports and in the discussions of the Conference the arguments for and against have been put forward at length, and the Conference has already agreed to accept the principle and decided that the matter is suitable to form the subject of international regulations. The question still to be decided is the form of the international instrument in which the principle is to be incorporated.

During the closing stage of the discussion of this subject at the Eighteenth Session of the Conference, Mr de Michelis, Italian Government delegate, put forward a tentative proposal for a Draft Convention laying down the general principle of the forty-hour week and providing for a "step by step" application of the principle to particular branches of economic activity. This proposal was submitted in the following form:

Article 1 This Convention applies to persons employed in public and private undertakings engaged in the economic activities to be included in the annexed schedule by decision of the annual Sessions of the International Labour Conference.

Article 2 The hours of work of every person to whom this Convention applies shall not exceed an average of forty per week. This average shall be calculated over a period not exceeding four weeks.

Article 3 The Conference, at the Sessions at which it decides to add branches of economic activity to the annexed schedule, will at the same time adopt in respect of each of them the supplementary provisions and special derogations that may be necessary for the application of this Convention.

Similarly, the Governing Body of the International Labour Office, in the resolution adopted at its Sixty-eighth Session, contemplated the framing of a single Convention providing for the reduction of hours of work in all classes of establishments but applied to particular classes of establishments as the Conference should from time to time decide

This method of procedure, however, presents certain difficulties, not as to the substance but as to the form of the international regulations. The intention in framing a single Convention would be to give expression to the conception of the reduction of hours of work as a reform to be regarded as a whole. In fact, however, the structure of International Labour Conventions does not lend itself very readily to the realisation of so comprehensive a reform as the general introduction of the "forty-hour week" by means of a single Convention including specific provisions applicable to all industries and establishments. Such a Convention would have to be extremely long and detailed indeed in order to cover every aspect of so wide a question. Moreover, as experience has already shown that sufficient agreement cannot be secured for the adoption of a Convention applying immediately to all industries, it would be necessary to make provision in the new Convention to enable a State to make its ratification of the Convention applicable only in respect of certain of the industries or branches of industries covered and not in respect of all of them. Careful examination of this question of the form of the international regulations to be adopted seems to show that it would be both simpler and more effective to approach the problem by considering the adoption of a series of distinct Conventions.

This method might, however, be applied in either of two ways. The Conference might adopt a Convention laying down the principle of the forty-hour week, and this might be followed by the adoption of a series of Conventions devoted to the practical application of the principle to particular industries. But the advantage of a "Convention of principle" would be problematic. The adoption by the Conference of an instrument of this kind, the content of which would be merely general and abstract, would not involve any positive obligation on the States Members of the Organisation. The States Members would have before them two kinds of Conventions: the Convention of principle, framed in general terms, without any positive content and having no practical value unless and until it had been applied to some particular industry or class of establishment, and the specific Conventions dealing with the

practical application of the principle in particular industries. This procedure would be open to serious objections and it might well be asked whether it would be proper to use an International Labour Convention, not for setting up definite legal standards, but for a mere declaration of principle. Even if the Convention of principle went further, and embodied not merely a declaration of principle but also a provision that the industries to which the principle should be applied would be determined later by the Conference, the practical difficulty would remain. It would be impossible to invite the States Members of the Organisation to bind themselves in advance, by ratifying the Convention of principle, to accept the application of it to all the industries to which the Conference might in future decide that it should be applied, since the States could not know either what those industries would be or what would be the specific provisions adopted by the Conference in respect of each of them.

It has been necessary, therefore, to devise a procedure that will leave to the States Members freedom to take separate decisions as to the industries to which they will at any particular time undertake to apply the reduction of hours of work and at the same time will ensure that the application of the reduction to any particular industry is conceived as part of a general scheme for the progressive application of the reduction over an ever-widening field intended ultimately to extend to all economic activities.

After careful consideration of this question of procedure, the Office has come to the conclusion that the most appropriate and at the same time adequate method would be to frame separate Conventions making the necessary provision for the application of the principle to each industry, and to integrate the series of separate Conventions into a whole by a common Preamble¹ relating all of them to a declaration of the general principle of the reduction of hours of work in all economic activities. In view of its character, and also for practical reasons, this declaration should, it is thought, take the form of a special Resolution adopted by the Nineteenth Session of the Conference. This special Resolution would, of course, be different in character from an ordinary resolution adopted by the Conference, since it would be the basis of all the separate Conventions adopted by the Nineteenth and later Sessions of the Conference and would link them together as a single code.

¹ For the suggested text of this Preamble, see the text of the proposed Draft Convention given at the end of this volume.

The Office has accordingly prepared for the consideration of the Conference the text of a proposed Draft Convention for each of the "industries" included by the Governing Body in the item on the Agenda of the Nineteenth Session. These texts deal with the practical application of the principle and make the necessary specific provisions required to meet the circumstances of each case. The appropriate explanations of the Office's proposals and the actual texts are given in the separate volumes relating to the particular industries. For the declaration of principle, which it is suggested for the reasons set out here should be embodied in a special Resolution, the Office submits for the consideration of the Conference the following text

DRAFT RESOLUTION ON THE REDUCTION OF HOURS OF WORK

Whereas unemployment has become so widespread and long-continued that there are at the present time many millions of workers throughout the world suffering hardship and privation for which they are not themselves responsible and from which they are justly entitled to be relieved,

Whereas it is desirable that workers should as far as practicable be enabled to share in the benefits of the rapid technical progress which is a characteristic of modern industry,

Whereas in pursuance of the Resolution adopted by the Eighteenth Session of the International Labour Conference it is necessary that a continuous effort should be made to reduce hours of work in all forms of employment to such extent as is possible,

The Conference therefore declares its approval of the principle of the forty-hour week as the general international standard of hours of work and as a guide for the action of the Members of the Organisation, without prejudice to further reductions of hours where circumstances permit,

The Conference will proceed, at the present and subsequent Sessions, to the consideration of a series of Draft Conventions for the progressive application of this principle to the whole field of employment, having regard to the special circumstances of particular groups of establishments or classes of workers

The Conference accordingly decides to refer to a Committee for consideration the Reports prepared by the International Labour Office on the application of the reduction of hours of work to

- (a) Public works undertaken or subsidised by Governments,
- (b) Iron and steel,
- (c) Building and contracting,
- (d) Glass bottle manufacture,
- (f) Coal mines

II. — THE ADJUSTMENT OF WAGES

There remains to be considered the question whether the Conference should take any decision in regard to the problem of wage adjustments rendered necessary by a reduction in hours of work. It is true that the wording of the item on the Agenda of the Conference makes no explicit reference to wages, but it is obvious that hours of work and wages are closely inter-related and wages have come under consideration at all stages of the discussions that have taken place concerning the reduction of hours of work. There would seem, therefore, to be no reason why the Nineteenth Session of the Conference should not make a pronouncement on the question of wages if it so desires.

The Tripartite Preparatory Conference held in January 1933 agreed by 32 votes (13 Government and 19 Workers' representatives) to 19 (3 Government and 16 Employers' representatives) that in whatever form the scheme of regulation adopted for reducing hours of work might be embodied, a Recommendation concerning the standard of living of the workers and wages should be considered. Questions regarding the maintenance of wages, salaries and the standard of living were included in the Questionnaire issued in preparation for the Eighteenth Session of the Conference, and the replies showed that the opinion of Governments generally was that the question of wages and salaries, and with it the allied question of the standard of living, was of such importance that it ought to be dealt with, but that as it could not be regulated internationally by way of a Draft Convention the appropriate method of laying down at least certain general principles would be the adoption of a Recommendation. The Office accordingly submitted for the consideration of the Eighteenth Session of the Conference a draft of a Recommendation which was approved by the Committee to which it was referred, though no decision concerning it was taken by the full Conference.

In these circumstances the Office has felt itself bound to submit to the Conference a proposal which would enable it, if it so desired, to give consideration to the problem of wages, and the Office has accordingly had to examine the question of the form that its proposal should take.

It would clearly be impracticable for the Conference to adopt detailed international regulations on the subject of wages

In the first place any international agreement as regards wages would involve an obligation on Governments to undertake the regulation of wages. In many cases Governments are not in a position to do this and in most countries neither Governments, employers nor workers desire that the fixing of wages should become a Government responsibility.

Secondly, any agreement reached as to the maintenance of certain levels of wages would be exposed to two serious, if not insuperable difficulties. At the present time international exchanges are subject to constant fluctuations, which might at any time destroy the basis on which agreement had been reached. A rise or fall in the external value of a national currency may easily produce a much greater differential for purposes of foreign competition than a rise or fall in the value of nominal wages. Moreover any international agreement could only be of very short duration. The level of wages in each country and in each industry is determined not only by considerations of international competition but also by all the influences affecting the domestic market and the cost of living. Wage rates everywhere are therefore subject to constant readjustment. Wages cannot be stabilised indefinitely at a particular level and if Governments were to be required as an international obligation to maintain some sort of equivalence with other countries, this would entail a degree of State intervention in the determination of wages that would not only give rise to very serious complications in practice but is not even generally accepted in principle.

International regulation being impracticable, the only alternative is to leave the matter to be dealt with by national action in accordance with the conditions prevailing in each country. The Conference may, however, think it proper to give some indication as to the principle upon which, and the methods by which any adjustment of wages consequent upon the reduction of hours of work should be effected.

As regards the principle, the previous discussions on the subject have revealed a substantial measure of agreement upon the principle that the reduction of hours of work ought not to result in lowering the standard of living of the workers.

As regards the method, the most effective method would appear to be the simplest, namely, to leave the question of wage readjustments to be settled where possible by direct negotiations between the employers and workers organisations concerned and to meet the case of a failure to reach agreement by enabling

either party to submit the question, if it so desires but without compulsion, to some body competent to deal with such questions

Inasmuch as the general principle of the reduction of hours of work will be dealt with, if the proposals of the Office are accepted, in a special Resolution, it would be appropriate for the question of wage adjustments to be dealt with in an accompanying resolution. The Office accordingly submits for the consideration of the Conference the following draft text

DRAFT RESOLUTION ON THE ADJUSTMENT OF WAGES AND SALAIRES

The Conference,

Having adopted a Resolution declaring its approval of the principle of the forty-hour week,

Considering that the application of this principle should not result in lowering the standard of living of the workers,

Invites Governments to take appropriate measures in order to ensure

- (1) that any adjustment of wages and salaries should be effected as far as possible by means of direct negotiations between the employers' and workers' organisations concerned, and
- (2) that if agreement between the parties concerned cannot be reached it should be possible for either of the parties concerned to submit the dispute to bodies competent to deal with wage questions, and further, that where no such bodies exist, they should be set up

III. — THE CHOICE OF INDUSTRIES FOR IMMEDIATE APPLICATION OF THE REDUCTION OF HOURS OF WORK

When it was deciding the form in which the question of the reduction of hours of work should again be placed on the Agenda of the Conference, the Governing Body felt that a restatement of the principle of reduction unaccompanied by any measures to give it immediate application would not constitute a material advance, and that accordingly the Conference might wish to adopt at its Nineteenth Session international regulations to secure the application of the principle to at least one industry. The primary consideration in the choice of the industries to be specified in the item on the Agenda was therefore the likelihood of its being possible to arrive at sufficient agreement

to permit of the adoption of a Draft Convention without delay. There are other criteria which might be applied for the purpose of the selection, such as the number of persons employed in the industry, the extent of unemployment and short time, the degree to which rationalisation and mechanisation have progressed, the possibility of defining the industry with sufficient precision and stability for the purpose of international regulations, the nature and methods of organisation of work in the industry, the actual hours of work and the methods by which they are regulated. All of these are important considerations, but the dominant consideration which led the Governing Body to select these obviously very diverse industries from the much longer list of industries it had before it when making its choice was the prospect of reaching early agreement.

The circumstances in which coal mining has been included in the list of industries for consideration by the Nineteenth Session of the Conference are somewhat different from those which obtained in the case of the other industries.

Hours of work in coal mines were first made subject to international regulation by the adoption of the Hours of Work (Coal Mines) Convention, 1931. Certain difficulties hindering the ratification and application of this Convention have been found to exist in a few countries, and accordingly the Governing Body of the International Labour Office has placed the question of the partial revision of the Convention in respect of certain points of detail on the Agenda of the Nineteenth Session of the Conference. Before this decision was taken, Governments were consulted, in accordance with Article 7 (a) of the Standing Orders of the Governing Body, and on the proposal of the Workers' Group the Governing Body agreed that Governments should be invited to give their views as to the expediency of revising the Convention not only for the purpose of removing these difficulties on points of detail but also for the purpose of effecting a further limitation of hours. On consideration of the replies of the Governments on all the points submitted to them, the Governing Body decided that it would be preferable to deal with the further reduction of hours not in connection with the partial revision of the existing convention but as part of the general question of reduction of hours of work.

The point put to the Governments during the course of the consultation first mentioned was the question of fixing a maximum

weekly limit to the time spent by workers in the mine lower than that resulting from the application of the Convention of 1931 in its present form. Seven Governments — those of Canada (Province of Alberta), Czechoslovakia, Finland, Great Britain, Italy, Poland and Sweden — replied in favour of the inclusion of this question in the Agenda for consideration in connection with the partial revision of the Convention, while four Governments—those of Belgium, India, the Netherlands and Rumania—were opposed. The Spanish Government did not give an express reply on this point, but observed that it had already ratified the Convention as it stood and that hours of work in coal mines in Spain were already fixed by law at seven per day, a lower limit than that prescribed by the Convention. The French Government, while not opposed in principle to the fixing of a lower limit to the working week, considered the question would more appropriately be dealt with as part of the general question of reduction of hours of work and not in connection with the revision of the existing Convention. Subsequent to the Session of the Governing Body at which the decision was taken to include the question of the revision of the Convention in the Agenda of the Nineteenth Session of the Conference, replies were also received from the Governments of Colombia and Yugoslavia¹. The Colombian Government expressed itself in favour of the inclusion of the question in the Agenda while the Yugoslavian Government was opposed.

The majority of the Governments who replied to the Governing Body's request for their observations were, it will be seen, in favour of the submission to the Conference for consideration of the question of a further reduction of hours of work in coal mines. It must not, of course, be assumed that the agreement of these Governments to the placing of the question on the Agenda of the Conference necessarily implies that they are in favour of a further reduction of hours and it will be observed that not all these countries produce coal. Nevertheless, it is clear that there was among Governments sufficient support for the proposal to consider a further reduction of hours of work in coal mines to justify the inclusion of this industry in the list submitted to the Nineteenth Session of the Conference.

Apart from the fact that the question had already been raised in another connection it would hardly have been possible to ignore

¹ A reply from the Government of Austria was received in March 1935. The Austrian Government stated that for technical and economic reasons it could not support a proposal for a further reduction of hours.

the claims of this industry for consideration by the Nineteenth Session. Coal mining employs a very large number of workers, the industry has suffered very severely from the general depression, and technical progress, in the form both of improvement in the methods of exploitation of coal mines and of the substitution of other sources of power for coal, has intensified the unemployment problem. In several countries hours of work have already been reduced substantially owing to the economic situation, and the industry is pre-eminently one of those in which it may be doubted whether, at any rate in certain countries, it will ever again be possible, even in the event of a general economic revival, to ensure the re-employment of the same volume of labour as was required before the present depression set in unless there is a permanent reduction of hours of work. Moreover, it has for long been generally agreed that in view of the special features of their occupation coal miners are entitled to shorter hours of work than industrial workers in general and this principle has found expression in the Convention of 1931, which prescribes a shorter working day than is fixed by the Convention of 1919 for industry in general. It would therefore have been difficult for the Conference to proceed to a further limitation of hours of work in certain industries without at least giving consideration to the possibility of applying a corresponding reduction also to coal mining. Finally, the technical problems connected with the regulation of hours of work in coal mines have been the subject of very prolonged and careful study, nearly all of them were satisfactorily dealt with in the Draft Convention adopted in 1931, while the few difficulties outstanding will no doubt be disposed of in the revision of the Convention by the Nineteenth Session of the Conference. If, therefore, the principle of a further reduction of hours is agreed upon, there would appear to be little difficulty in giving it practical effect.

For all these reasons the inclusion of coal mining among the industries to be considered by the Nineteenth Session of the Conference would appear to be amply justified.

SECOND PART

BASIS FOR A FIRST DISCUSSION

This part is designed to enable the Conference, if it should decide to apply the double-discussion procedure to the consideration of the reduction of hours of work in coal mines, to determine the points upon which Governments should be consulted with a view to the taking of a final decision at the succeeding Session of the Conference

It therefore includes an account of existing national regulations on hours of work in coal mines, and an examination of the problems arising in connection with international regulations, and concludes with a draft list of points upon which the Office suggests that Governments might be consulted

I. — INTRODUCTION

The coal industry was the first for which a special international regulation of hours of work was adopted. This regulation consisted of the Convention limiting hours of work in coal mines which was adopted in 1931 by the Fifteenth Session of the International Labour Conference and is this year undergoing partial revision on certain points of detail.

The question of hours of work and, indeed, the question of reducing hours of work in coal mines, has engaged the attention of the International Labour Organisation for ten years. Since 1925 the International Labour Office has made a series of enquiries into hours of work in coal mines.¹ Then, in 1929, began the procedure

¹ *Wages and Hours of Work in the Coal-Mining Industry*, Studies and Reports, Series D, No. 18, Geneva, 1928. 'An Enquiry into Working Conditions in Coal Mines', by Fernand MAURFÈRE, *International Labour Review*, Vol. XVII, No. 6, January 1928. 'Wages and Hours of Work in the Coal Mining Industry', *International Labour Review*, Vol. XX, Nos. 4 and 6, October and December 1929, Vol. XXI, No. 1, January 1930, Vol. XXIII, No. 5, May 1931 and Vol. XXVIII, No. 3, September 1933.

which resulted in the adoption of the Convention limiting hours of work in coal mines, after the question had been dealt with by the Preparatory Technical Conference on conditions of employment in coal mines (1930) and the Fourteenth and Fifteenth Sessions of the International Labour Conference (1930 and 1931)¹ as well as various committees and meetings of experts. Since then, and especially in 1933 and 1934, consideration has been given to certain technical difficulties which the application of the existing Convention caused in a few countries.

These enquiries, documents and discussions touched all the special aspects of the regulation of hours of work underground in coal mines and resulted in practical solutions which met the requirements of international regulation on the subject. A certain number of results were thus obtained which it seems unnecessary to submit again to the Conference, since at the time of the discussions which preceded the opening of the procedure for the revision of the 1931 Convention, the States most concerned had the opportunity of drawing attention to any provisions the application of which might lead to difficulties.

Regulations for the further reduction of weekly hours of work in coal mines should therefore closely follow, as regards technical provisions, the terms of the 1931 Convention, particularly as regards the limitation of the scope of application, the definition and calculation of hours of work, the provisions for work on Sundays and public holidays, exceptions and overtime, the provisions concerning collective breaks and overtime for lignite mines, etc. It therefore seems desirable to retain in the new regulation the technical provisions of the 1931 Convention so far as they do not

¹ Accounts of the work of these Conferences have been published in the *International Labour Review* as follows: Vol. XXI, No 4, April 1930 'The Preparatory Technical Conference on Conditions of Employment in Coal Mines', by Fernand MAURETTE, Vol. XXII, No 3, September 1930 'The Fourteenth Session of the International Labour Conference', Vol. XXIV, Nos 2 and 3, August-September 1931 'The Fifteenth Session of the International Labour Conference', No 5, November 1931 'The International Regulation of Hours of Work in Coal Mines'.

For the use of these Conferences the Office prepared the following documents:

Conference Documents: Fourteenth Session *Hours of Work in Coal Mines*, Geneva, 1930, *Hours of Work in Coal Mines (Enquiry into the Lignite Industry in Europe)*, Geneva, 1930. Fifteenth Session *Hours of Work in Coal Mines (Questionnaire)*, Geneva, 1930, *Hours of Work in Coal Mines*, Geneva, 1931.

The Office has also published in the *International Labour Review* the following articles: Vol. XXIII, No 5, May 1931 'Overtime in Coal Mines in Some European Countries', Vol. XXII, No 6, December 1930, and Vol. XXIII, No 1 January 1931 'The European Lignite Industry', Vol. XXIII, No 5, May 1931 'The Present State of the Lignite Industry in the Various European Countries'.

require alteration in consequence of the introduction of reduced hours of work in the week. For these reasons only a summary account is given below of existing law and practice, with the purpose not so much of discovering international solutions to the technical questions arising out of the regulation of hours of work in this industry and of laying down the main principles of international regulation, since this has already been done, as of offering a general view of the present situation.

II. — SPECIAL HOURS OF WORK PROVISIONS FOR UNDERGROUND WORK IN COAL MINES

Only those States Members of the International Labour Organisation whose production of coal, whether anthracite, hard coal or lignite (lignite being calculated in terms of hard coal) amounted to one million tons in 1929 have been selected for consideration. These are Australia, Austria, Belgium, Canada, Chile, China, Czechoslovakia, France, Germany, Great Britain, Hungary, India, Japan, Mexico, Netherlands, New Zealand, Poland, Rumania, Spain, Turkey, Union of South Africa, United States of America, U S S R, Yugoslavia. For Australia, the States of New South Wales, Queensland and Victoria have been taken, and for Canada the Provinces of Alberta, British Columbia and Nova Scotia.

The production of all these countries in 1929 represented over 98 per cent of the total world production of coal.

Apart from a few exceptions, to be referred to during the course of this Report, the situation described refers to underground work in all coal mines, anthracite, hard coal and lignite.

1. Nature of the Regulations

According to country, hours of work in coal mines are governed by regulations in one or more of the following forms: legislation, codes of fair competition, arbitration awards, collective labour regulations, standards of employment, collective agreements, and rules of employment.

Regulation by legislation is much the most frequent form. Only the Australian States of New South Wales and Queensland ¹,

¹ The Coal Mines Act of 13 November 1925 limits hours of work only for persons in charge of machinery used in connection with any coal mine.

Hungary, the Union of South Africa¹ and certain States of the United States have no hours of work legislation applicable to coal mines or at least to the majority of the workers employed in such mines. In other countries the statutory provisions on hours of work in coal mines are to be found either in general legislation on hours of work, which may or may not contain special regulations for mines, in particular as regards the method of calculating hours of work for underground work, or in special legislation for mines in general or coal mines in particular.

The following table shows the chief countries which regulate hours of work in coal mines by law, arranged according to the scope of their laws.

TABLE I. — CLASSIFICATION OF COUNTRIES ACCORDING TO THE SCOPE OF THEIR LEGISLATION REGULATING THE HOURS OF WORK OF WORKERS EMPLOYED IN UNDERGROUND WORK IN COAL MINES

General laws		Special laws	
Without special provisions for mines	With special provisions for mines	For mines exclusively	For coal mines
Chile: Mexico: ² Rumania: ³	Belgium: ⁴ Czechoslovakia: ⁵ Germany: ⁶ Poland: ⁷ Spain: ⁸ U.S.S.R.: ⁹ Yugoslavia: ¹⁰	Austria: ¹¹ China: ¹² France: ¹³ India: ¹⁴ Japan: ¹⁵ Netherlands: ¹⁶	Australia: Victoria: ¹⁷ Canada: Alberta: ¹⁸ British Columbia: ¹⁹ Nova Scotia: ²⁰ Great Britain: ²¹ New Zealand: ²² Turkey: ²³

¹ L.C. 12 May 1931 — L.S. 1931, Chile.

² A. 18 August 1931 — L.S. 1931, Mex.

³ A. 9 April 1931 — L.S. 1931, Rumania.

⁴ A. 14 June 1931 — L.S. 1931, Bel.

⁵ A. 19 December 1930 — B.B. 1930, p. 1.

⁶ C. 22 July 1934 — L.S. 1934, p. 12.

⁷ A. 12 December 1919 — L.S. 1919, p. 1, as amended by resolution of the Minister of Social Welfare of 15 October 1933 — L.S. 1933, p. 1.

⁸ D. 1 July 1931 — L.S. 1931, p. 1.

⁹ L.C. 1931 — L.S. 1931, R.S.

¹⁰ O. 1 October 1931 — L.S. 1931, R.S.

¹¹ A. 22 February 1931 — L.S. 1931, S.C.S.

¹² A. 12 July 1930 — B.B. 1930, p. 11, amended by L.S. 1933 — L.S. 1933, p. 1.

¹³ D. 12 May 1931 — L.S. 1931, Chile.

¹⁴ A. 24 June 1931 — L.S. 1931, Fr.

¹⁵ A. 20 September 1931 — L.S. 1931, Ind.

¹⁶ O. 1 September 1931 — L.S. 1931, Jap.

¹⁷ R.O. 1 September 1931 — L.S. 1931, N.Z.

¹⁸ A. 12 February 1931 — L.S. 1931, N.S.

¹⁹ A. 12 February 1931 — L.S. 1931, N.S.

²⁰ A. 12 February 1931 — L.S. 1931, N.S.

²¹ A. 12 February 1931 — L.S. 1931, N.S.

²² A. 12 February 1931 — L.S. 1931, N.S.

²³ A. 12 February 1931 — L.S. 1931, N.S.

A. = Act, D. = Decree, L.C. = Law, C. = Code, O. = Order, R.O. = Royal Order, L.S. = Law, S.C.S. = Statute, B.B. = Bulletin of the Ministry of Labour, O.C. = Order.

The Mines Act of 15 April 1931, so far as it regulates hours of work does not apply to coal mines.

In the *United States of America* fourteen States and the Territory of Alaska have limited the hours worked by underground workers in mining in general or in coal mining by legislation¹ These various laws will be left out of account here, however, because a *Code of Fair Competition* covering the whole territory of the United States, which was approved on 18 September 1933 and amended in its hours of work provisions on 31 March 1934, regulates hours of work in bituminous and lignite mines, but not in anthracite mines A draft code has been prepared for the latter, but has not been adopted Most of the anthracite mines are to be found in Pennsylvania, where the hours of work are governed by a collective agreement

In *Australia* hours of work in coal mines are governed by two *arbitration awards* given by the Commonwealth Arbitration Court on 4 and 22 December 1916 (Edmunds' awards) and applicable to the whole of the Commonwealth In *New South Wales* and *Queensland*, the State Arbitration Courts have issued arbitration awards based on the Commonwealth awards In *Victoria*, which has legislation for coal mines, the provisions of the Commonwealth awards take precedence over this legislation

In *Germany*, in most of the hard-coal and lignite districts, legislation is supplemented by *collective regulations*

In *Spain*, in addition to legislation, there are *standards of employment (bases de trabajo)* which lay down conditions of employment in mines, in particular for the Asturian coal mines and the lignite mines of the province of Teruel

In *Czechoslovakia*, *Great Britain*, the *Netherlands*, *Poland*, *Rumania* and *Yugoslavia*, the statutory regulations are supplemented by *collective agreements*, which in some cases, e.g. in *Czechoslovakia* and *Yugoslavia*, apply to lignite mines in particular In the *Union of South Africa* there are collective agreements limiting the hours of European workers in coal mines In this country the actual mining of coal is done by coloured labourers and the European workers usually act as supervisors, in particular, they conduct blasting operations and in isolated cases erect and withdraw timber

¹ These States are Arizona, California, Colorado, Idaho, Maryland, Missouri, Montana, Nevada, North Dakota, Oklahoma, Oregon, Utah, Washington and Wyoming In these States and in the Territory of Alaska, the maximum working day is fixed at 8 hours, except in Maryland, where it is 10 hours

In addition, in the State of Pennsylvania the law limits the working day of mine-hoisting engineers to 8 hours

In *Hungary* section 200 of the Mines Act of 1854 requires every employer to establish, with the approval of the mines authorities, *rules of employment* fixing among other things the hours of work.

2. Scope

AS REGARDS MINES AND OCCUPATIONS

All the regulations cover all coal mines (anthracite, hard coal and lignite) except in the *Netherlands*, where the statutory provisions that apply only to underground workers and surface workers engaged in the operation of winding machinery or signals do not cover workers employed in open lignite mines. In the *United States* the code of fair competition applies only to bituminous and lignite mines, anthracite mines being covered by a special collective agreement. Similarly in *Czechoslovakia*, *Germany* and *Yugoslavia* there are separate collective regulations or collective agreements for hard coal mines and lignite mines.

In addition, several regulations lay down that the hours of work provisions apply not only to coal-getting, but to surveying and other work necessary for opening a mine.

AS REGARDS PERSONS

All the regulations apply in principle to all persons employed underground, but some categories are excluded, such as persons holding positions of management, supervision or trust, or at least some of the persons in such positions, in *Australia (Victoria)*, *Belgium*, *Canada (Alberta)*, *France*, *Great Britain*, *India*, *Japan*, *Spain* and the *United States*, mechanics in *Australia (Victoria)* and *Great Britain*, pumpmen, fan men, cagers or onsetters, stablemen in *Canada (Alberta)*, horsekeepers and persons engaged in measuring in *Great Britain*, and persons employed on intermittent work in *Japan*.

3 Definition and Calculation of Hours of Work

There is no need in this Report to describe in detail the methods of calculation adopted for determining hours of work in coal mines, a question which has been dealt with at length in the earlier studies made by the Office. It will be sufficient here to give a brief survey.

The working day of workers employed on underground work in mines comprises a series of different occupations going down

the shaft, going from the bottom of the shaft to the face, working at the face, with intervals for meals or other stoppages, returning to the shaft, and ascending to the pithead. It is therefore necessary to define the place in the mine selected for the calculation of hours of work. From this point of view two places are of real importance: first, the interior of the mine (i.e. the part of the undertaking situated underground), and second the working face, where the miner does his work. In a general way the first is chosen for the calculation of hours of work, and in that case the hours correspond to the time spent in the mine.

This produces a complication, however. Work in mines is usually organised in shifts, and the length of the shift may be calculated for each worker taken individually or for the shift as a whole.

If the shift is calculated for each worker, it usually begins when the worker enters the cage for the descent and ends when he leaves the cage after the ascent. Sometimes, however, as in *Germany*, the individual shift includes only the descent.

When the shift is calculated for the whole shift, there are three possibilities. It may begin when the first worker of the shift enters the cage to descend and end when the last worker leaves it after the ascent, or it may begin when the first worker of the shift enters the cage to descend and end when the first worker enters the cage to ascend, or again, it may begin when the last descending worker enters the cage and end when the first ascending worker leaves the cage. In the first case the length of the collective shift includes both the descent and ascent of the whole group of workers (two winding times), in the second it includes either the descent or the ascent (one winding time), in the third it includes neither descent nor ascent.

In mines where the entrance is by an adit, the entrance of the adit is treated as the entrance to the shaft where the workers enter the cage to descend or leave it after ascending.

In some countries, however (*Nova Scotia* in Canada, *United States*), hours are calculated at the ordinary place of work, that is to say at the face, and therefore do not include the time spent on travelling from the entrance to the shaft to the working face and back.

In order that these different hours may be made comparable, they must be reduced to a common measure. In its enquiries into hours of work in coal mines in the principal European coal-producing countries, relating to the years 1925, 1927, 1929 and 1931, the Office took as a common measure the individual time spent in the

mine, that is the period between the time when the worker enters the cage to descend and the time when he leaves it after ascending. In mines where access is by an adit, the time spent in the mine is calculated from the time when the worker passes through the entrance of the adit to the time of his return to the surface. For each of the different methods of calculation in use, a conversion formula was worked out so as to obtain the equivalent in terms of the selected method of calculation, especially in the case of methods applying to the whole shift. If the length of the collective shift includes both descent and ascent, the individual time spent in the mine is equal to the length of the collective shift less one winding time plus the length of an individual descent or ascent.

If the length of the collective shift includes only one winding time, the individual time spent in the mine is equal to the length of the collective shift plus an individual descent or ascent. If the length of the collective shift includes neither descent nor ascent, the individual time spent in the mine is equal to the length of the collective shift plus one winding time plus an individual descent or ascent.

It may be remarked that when the group of workers forming the shift is small and can be carried in a single cage, the length of the individual descent or ascent is then the same as the collective winding time. This case is like that of the isolated worker, for in actual fact a miner seldom travels alone in the cage.

In countries where hours are calculated at the face, the individual time spent in the mine is obtained by adding the travelling time underground to the regulation length of the shift.

Finally, in most countries the regulation length of the shift includes breaks for meals or other stops in the interior of the mine, which therefore do not affect the individual time spent in the mine. Some regulations, however (*China, Spain, United States*), provide that certain breaks are not to be included in the hours of work. In this case the individual time spent in the mine is increased by the length of the breaks.

4 Limitation of Hours of Work

DAILY MAXIMUM

All the regulations fix a maximum for the daily working day or shift. This period is determined by a particular method of calculation, and sometimes the individual time spent in the mine

corresponding to it is expressed by a different figure. The following table shows for the different countries the method of calculating the regulation length of the shift, the regulation length, and the corresponding individual time spent in the mine.

TABLE II — LENGTH OF SHIFT AND INDIVIDUAL TIME SPENT IN THE MINE

Country	Nature of regulations ¹	Method of calculating shift ²	Maximum hours	
			Regulation shift	Individual time spent in the mine
Australia ³	CAA	Both winding times included	8 ⁴	8 less one winding time plus an individual D or A
Austria	A	Individual D and A included	8	8
Belgium	A	Both winding times included ⁵	8	8 less one winding time ⁵ plus an individual D or A
Canada.				
Alberta	A	One winding time included	8	8 plus an individual D or A
British Columbia	A	Individual D and A included	8	8
Nova Scotia	A	TT not included ⁶	8	8 plus TT
Chile	A	—	8	—
China	A	Excluding breaks	10	10 plus breaks
Czechoslovakia	A and CA	Both winding times included ⁷	8 ⁸	8 less one winding time plus an individual D or A
France	A	Both winding times included	8	8 less one winding time plus an individual D or A
Germany	A	Individual D included	8	8 plus an individual A ⁹
Great Britain	A	Both winding times excluded	7 ½ ¹⁰	7 ½ plus one winding time and an individual D or A
Hungary	RE	Both winding times included ¹¹	8 ¹¹	8 less one winding time plus an individual D or A
India	A	—	12	—
Japan	A	Collective A included	10	10 plus an individual D

See notes on pp. 32 and 33

TABLE II — LENGTH OF SHIFT AND INDIVIDUAL TIME SPENT IN THE MINE (*continued*)

Country	Nature of regulations ¹	Method of calculating shift ²	Maximum hours	
			Regulation shift	Individual time spent in the mine
Mexico	A	—	8	—
Netherlands	A	One winding time included ¹²	8 ¹³	8 plus an individual A or D
New Zealand	A	Individual D and A included ¹⁴	8 ¹⁴	8
Poland Upper Silesia	CA	One winding time included	8	8 plus an individual D or A
Dombrowa and Cracow coal fields	A	Individual D and A included	8	8
Rumania	A and CA	Individual D and A included ¹¹	8	8
Spain	A	Collective D included, breaks for meals and periodical rests ordered by joint labour councils excluded	7	7 plus an individual A and breaks for meals and periodical rests ordered by joint labour councils
Turkey	A	Individual D and A included	8	8
United States Bituminous coal and lignite	CFC	TT ⁶ and breaks for meals excluded	7 ¹⁶	7 plus TT and breaks for meals
Anthracite	CA	TT ⁶ and breaks for meals excluded	8	8 plus TT and breaks for meals
U S S R	A	Individual D and A included	6 ¹⁶	6
Yugoslavia	A and CA	Collective D included in mines where workers are not transported in cages, both winding times included in those where they are transported in cages	8	8 plus an individual A 8 less one winding time plus an individual D or A

Notes to Table II

¹ Abbreviations A = Act, CA = Collective agreement, CAA = Commonwealth Arbitration Award, CFC = Code of Fair Competition, RE = Rules of employment

Notes to Table II (continued)

² Abbreviations D = descent, A = ascent, TT = travelling time underground

³ Under the legislation of Victoria the length of the shift includes the individual descent and ascent, but the provisions of the Commonwealth award take the place of this regulation

⁴ The Commonwealth award provides that shifts worked on Saturdays, Sundays and public holidays are to be of 6 hours

⁵ As the group of workers for which hours are calculated travel in the same cage, one winding time is equal to an individual descent or ascent, so that the individual time spent in the mine is 8 hours

⁶ Hours are calculated at the actual place of work

⁷ The law provides that winding times up to a total of 30 minutes are not to be included in the length of the shift. In practice the collective agreements include the winding times in the length of the shift

⁸ In several lignite fields, in particular those of Northern Bohemia and Falknov, the Saturday shift is reduced to six hours

⁹ In underground lignite mines workers have a rest of 30 minutes which is not included in the length of the shift and during which operations are suspended. In the mines on the outskirts of the Central German coalfield the length of the shift is 8½ hours

¹⁰ In some districts, such as Lancashire and Cheshire, Warwickshire, Leicestershire, and South Derbyshire, the collective agreements reduce the Saturday shift to 6½ hours, 5½ hours, 5 hours, and three-quarters of a full shift respectively (MINISTRY OF LABOUR *Report on Collective Agreements between Employers and Workpeople in Great Britain and Northern Ireland*, Vol I, p 21, London, 1934)

¹¹ In general

¹² As the group of workers for which the hours are calculated travel in the same cage, one winding time is equal to an individual descent or ascent

¹³ The length of the Saturday shift was reduced to 6 hours by collective agreement

¹⁴ The Act does not limit the hours of work underground, but provides that any miner employed in a mine for over 8 hours in the day, reckoned from the time he reaches the place of work underground to the time he leaves it, is entitled to overtime pay for the additional hours

¹⁵ Only on five days of the week

¹⁶ The week consists of five working days followed by one rest day

The table shows that in most cases the regulation length of the shift is 8 hours. It is less in *Great Britain*, *Spain*, the *Netherlands* and the *U S S R*, and more in *China*, *India* and *Japan*.

The table also shows that the individual time spent in the mine does not always correspond to the regulation length of the shift and may even differ from it markedly.

The last enquiry made by the International Labour Office into hours of work in coal mines, that for 1931, showed that the individual time spent in the mine, calculated as indicated in the above table, was 8 hours in *Belgium* and *Great Britain*, 7 hours 28 minutes in *Czechoslovakia*, 7 hours 52 minutes in *France*, 8 hours 10 minutes in the *Netherlands*, 8 hours 2 minutes in *Polish Upper Silesia* and 8 hours 30 minutes (at present, 8 hours) in the Polish coalfields of *Dombrowa* and *Cracow*.

In the *United States*, the results of an enquiry were published

by the Bureau of Labor Statistics of the Department of Labor¹ which covered the most representative bituminous mines in 11 States. They showed that at the beginning of 1933 the travelling time underground in these mines averaged 54 minutes per shift, 27 minutes each way. Given the present regulation length of the shift and assuming that the breaks not included in hours of work are as a rule 30 minutes, the time spent in the mine is thus 7 hours, plus 54 minutes, plus 30 minutes, or 8 hours 24 minutes.

These few examples are sufficient justification of the adoption of a common international measure of hours of work in mines.

WEEKLY MAXIMUM

Some regulations fix a maximum not only for the length of the shift but also for the working week. It is fixed at 48 hours in *Belgium, Chile, Czechoslovakia, Mexico, Poland, Rumania and Yugoslavia*. In some countries a shorter shift is worked on Saturdays and the working week is under 48 hours, for instance, in *Australia*, in several lignite mines in *Czechoslovakia*, in several districts in *Great Britain*, and in the *Netherlands*². The regulation working week is also shorter in the *United States*, namely 35 hours. On the other hand, it is over 48 hours in *India*, namely, 54 hours, in practice, in this country the individual time spent in the mine is 8 hours a day and 48 hours a week.

These figures for the regulation working week are, however, subject to the same observations as those for the regulation length of the shift, for they may differ markedly from the actual length of time spent in the mine by each worker during the week.

5. Exceptions

The exceptions may be classified into those which aim at reducing hours of work and those which aim at extending them.

REDUCTION OF HOURS OF WORK FOR WORKERS EMPLOYED IN UNHEALTHY WORKPLACES

Several of the special regulations for mines provide shorter hours for workers employed in unhealthy workplaces. Thus, in *China*,

¹ *Monthly Labor Review*, September 1932.

² See table II, notes 4, 8, 10 and 13.

Czechoslovakia, *Germany*, the *Netherlands* and *Spain* hours must be reduced for workers employed in workings where the temperature is very high over 28° C in *Germany*, over 30° C in *China* and the *Netherlands*, and 33° C or over in *Spain*. In *Czechoslovakia*, the *Netherlands* and *Spain* similar measures are in force in regard to workers whose workplaces are very damp or partly flooded, in *Austria* for those in particularly unhealthy workplaces, and in *Czechoslovakia* for those whose workplaces are insufficiently ventilated. For various reasons, hours may be reduced to 6 in the *Netherlands* and *Spain*, 7 in *Czechoslovakia* and 8 in *China*. In *Austria* and *Germany* no limit is fixed. In *Austria* the decision is taken by the competent mining authority, in *Germany* the reduction may be established by collective regulations, which usually limit the shift to 6 hours, or it may be established by the competent mining authority. Further, in *Spain* in urgent cases when the life or health of the workers is endangered by excessive damp, impurity of the air, exceptionally unhealthy conditions, the nature of the deposit, a general risk of danger or any other cause, whether or not within the control of the employer, hours of work may be reduced in accordance with a specified procedure, without any corresponding reduction of wages. Shorter hours must continue to be worked as long as the necessary conditions of safety and hygiene are not satisfied. In *Poland*, the collective agreement in force in Upper Silesia provides for a 6-hour working day in workplaces where the temperature is over 28° C.

It may be added that many of the general laws on hours of work provide for shorter hours for workers employed on unhealthy work, and that these provisions can be applied to coal mines.

EXTENSION OF HOURS OF WORK

Reasons for Extensions

Mining regulations usually contain only a few exceptions to allow the extension of hours of work. Most of them provide for temporary exceptions for one or other of the following reasons, in case of accident, actual or threatened, urgent work to be done to machinery, work needed for the safety of the workers or to prevent serious interference with the working of the mine, emergency or technical necessity.

Other exceptions are allowed for a variety of reasons.

Some regulations provide for extensions in the case of workers whose work is continuous. In *Austria*, for work which by its nature

cannot be interrupted, a longer working day may be fixed by collective agreement for the workers whose duty it is to provide for the continuous working of the undertaking, on condition that the total hours worked over a period of three weeks do not exceed 168. In *Canada (British Columbia)* where more than two shifts are worked the onsetter, bottomer or cager, pumpmen, stablemen, and engineers in charge of constantly running machinery other than motors and machinery directly used for the mining, drilling, or getting of coal at the face, the fireboss or the shiftboss in charge of the mine or shift, may be relieved at the place of duty, but in no case may such workers remain underground for a longer period than $8\frac{1}{2}$ hours from bank to bank in any one calendar day of 24 hours. In *France* the Act provides that for continuous processes public administrative regulations shall fix the conditions of employment, provided that hours of work in no case exceed 48 in the week and that the number of workers covered by the regulations does not exceed 5 per cent of the total number employed in the undertaking. So far, however, these regulations have not yet been issued. In *Great Britain* the hours of firemen, examiners, deputies, pumpminders, fanmen and furnacemen exceed those of other underground workers by one hour, some of these categories may be classed as workers employed in continuous processes. In the *Netherlands*, for signalmen the time needed for the change-over of shifts is not included in the hours of work. In the *United States*, according to the Code of fair competition for the bituminous coal industry, workers engaged at pumps operating continuously for 24 hours daily are specially exempted from the limitation of the working day. Further, in *Canada (British Columbia)*, the working day of the workers enumerated above may be extended when this is necessary for a weekly change of shift where more than two shifts are worked. In *Australia (New South Wales)* the arbitration awards for engine-drivers provide that overtime pay shall not be due if the extension of hours is necessary for the periodical change-over of shifts.

Several countries have provisions relating more or less directly to preparatory and complementary work. In *Austria*, for work which must be carried out before or after the ordinary working day, hours may be extended by two a day. In the *Netherlands* the time spent underground by workers responsible for mechanical transport and horsekeepers may be extended by not more than one hour beyond the ordinary maximum. In *Spain*, for workers minding machinery of any kind, the hours of work do not include the time

needed for starting or stopping the machinery In the *United States*, according to the Code for the bituminous coal industry, the limitation of hours does not apply to a certain number of workers in each mine whose daily work includes handling of man-trips or to those required to remain on duty while men are entering and leaving the mine, similarly, workers engaged in the transportation of coal may be employed beyond the prescribed hours for such additional time as is necessary to finish their work

In *Austria* and *Spain* provision is made for extensions for seasonal reasons In *Austria*, in mines where working depends on the season or temperature, the working day may be extended by not more than two hours, but the total overtime so worked may not exceed 180 hours a year In *Spain* hours of work may be extended in mining undertakings in which, owing to their altitude or topographical situation or the climate of the locality, it is impossible to work for more than six months in the year

The following exceptions may also be mentioned

In *Austria* the hours of any person employed in a mine whose duty cannot be strictly limited may be extended, provided that the overtime does not exceed 16 hours in the fortnight

In *Spain* hours may be extended when for technical reasons it is impossible to continue working the mine while observing the statutory maximum working day This extension may be granted for six months and can be renewed, but has never yet been applied to coal mines

Hours may be extended in *Austria* for work needed in the public interest, and in *France* in the event of war or tension abroad

In the *Netherlands*, when necessary for special reasons connected with the working of the undertaking, hours of work may be extended, except for certain categories of workers, by two a day during a period of seven working days (or else by a single additional spell of 8 hours in the mine), and for shaft repairmen by two a day three times during a period of seven days

In *Turkey* hours may be extended by collective agreement This is also allowed in the *United States* for certain unspecified categories of workers provided that the work does not exceed 8 hours a day and 48 hours a week Finally, in *Australia (Victoria)* and *New Zealand*, the law merely provides that any person employed underground in a mine for more than eight hours shall be entitled to overtime pay

It may also be mentioned that in *Austria* collective agreements may provide for a longer working day than the normal on condition that the total working week does not exceed 48 hours. In other words provision may be made for a spreadover

Overtime Pay

The special laws for mines in general or coal mines in particular seldom contain provisions on overtime pay, that is to say payment for hours worked in excess of the regulation length of the shift or for work in overtime shifts. An increased rate of pay is prescribed only in *Australia (Victoria)* namely, time-and-a-quarter for the first two hours and time-and-a-half for subsequent hours, in *Austria* and *New Zealand*, time-and-a-quarter, and in *Turkey*, double rates. In *Spain* any overtime for which special pay is due is paid at rates fixed by the competent joint bodies.

Other forms of regulation sometimes contain provisions on overtime pay. In *Australia (New South Wales)* the arbitration awards provide for time-and-a-half rates for deputies and engine-drivers for the latter in cases of exceptional pumping the rate is only time-and-a-quarter, and for skilled workers it is time-and-a-quarter for the first two hours and time-and-a-half thereafter, except for certain workers. In *Queensland* overtime is paid at time-and-a-half rates which are reduced to time-and-a-quarter rates in the event of accident flooding, fire etc. In *Czechoslovakia* several collective agreements provide for time-and-a-quarter rates. In *Germany* the collective regulations usually provide for time-and-a-quarter rates. In *Great Britain* the general agreements for certain districts, for instance, South Yorkshire, South Wales and Monmouthshire, Leicestershire and Kent provide that overtime worked between the commencement of the Sunday night shift and the end of the following Saturday morning shift is to be paid for at the rate of time-and-one-third. In *Northumberland* for overtime during the week underground datal workmen are to be paid at time-and-a-quarter rates. For piece work it is provided in some districts that hewers shall be paid tonnage-and-one-third for overtime work. In the *Netherlands*, the collective agreement in force for hard coal mines provides that overtime performed on working days shall be paid at time-and-a-quarter for the first two hours and time-and-a-half thereafter. In *Poland (Upper Silesia)* the collective agreement in force provides for overtime pay at time-and-a-quarter rates. In *Rumania* according to a certain

number of collective agreements concluded or renewed in 1934, the increase in pay for overtime is 30 per cent

6. Work on Sundays and Holidays

GENERAL PROHIBITION

As a rule work in mines is suspended on Sundays and public holidays under legislation on the weekly rest. Some of the special laws for mines prohibit work on these days, for instance, in *Austria*, *Czechoslovakia*, the *Netherlands* and *New Zealand*. In *Canada* (*Alberta*) and *Great Britain* the legislation provides that a repairing shift of workmen may be exempted from the provision concerning the interval between two shifts, for the purpose of avoiding work on Sunday.

WORK AUTHORISED

The prohibition of work on Sundays and holidays in the mine is not absolute, however, and work which is essential for the safety of the mine or to keep it in working order, or which can be done only on such days, or is necessary in case of accident *force majeure*, etc. may be allowed.

In *Austria* this applies to work of such a nature that it must continue uninterruptedly or can be carried out only at a time when the undertaking is at a standstill, or is urgently necessary on account of grave danger to life or health, or to ensure that the mine shall not have to be closed down or become unworkable. The Sunday rest in mining undertakings must begin not later than 6 a.m. on Sunday and last not less than 24 hours. A worker who is employed for more than three hours during the Sunday rest is entitled to an uninterrupted rest period of not less than 32 hours within the next fortnight. This rest period must include the next Sunday if working conditions so permit.

In *Czechoslovakia* work is authorised on Sundays and holidays if it is of such a nature that it must continue uninterruptedly or can be carried out only at a time when the undertaking is at a standstill, e.g. pumping, ventilation, inspection, cleaning, maintenance work, etc. The same applies to work necessary on account of grave danger to life or health, or to ensure the continued working of the mine. The rest period must begin not later than 6 a.m. on Sunday and last not less than 32 hours.

In the *Netherlands* workers on the night shift may be employed up to 6 a m on a Sunday or public holiday. In such case they are allowed a rest period of not less than 30 consecutive hours which may, in certain cases, be reduced to 24 hours. Persons of over sixteen years of age may be employed on Sundays and public holidays on the keeping in operation of pumps, the ventilation system and central stations for power and light, and also other processes necessary for the proper maintenance of the industry, and on necessary repair work which cannot be carried out on working days without a general cessation of work, or cannot be postponed any longer without danger. No worker who has been employed on a Sunday or public holiday may be required to work underground on the next following Sunday or public holiday. Nevertheless, the chief mining engineer may give permission for enginemen and other classes of workers to work on two consecutive Sundays or public holidays provided that they are not employed on the next Sunday or public holiday.

In *New Zealand* the Inspector of Coal Mines may give authority for work on Sunday if he is satisfied that the labour cannot be suspended on Sunday without risk of injury to the mine or its operations.

REMUNERATION FOR WORK ON SUNDAYS AND PUBLIC HOLIDAYS

In several countries the special regulations for mines provide for an increase in pay for work on Sundays and on holidays. It is, however, not always possible to distinguish between work which is usually carried out on Sundays and holidays and work which is carried out on these days as overtime.

In *Australia* in *New South Wales*, the work of engine-drivers on Sundays and public holidays is paid at time-and-a-half rates. If the work is continuous, they are paid time-and-a-quarter rates during the normal period of the shift and time-and-a-half rates subsequently. In the case of exceptional pumping work or repair work on machinery needed to allow the resumption of work on the following day, time-and-a-quarter rates are paid. For colliery mechanics except in certain work, time-and-a-half rates are paid. In *Queensland* Sunday work is paid at double rates, which are reduced to time-and-a-half rates in the case of continuous work and time-and-a-quarter rates in the case of work necessitated by accidents, flood, fire, etc. On public holidays time-and-a-half or

double rates are paid. In *Austria*, Sunday work is paid at not less than time-and-a-quarter rates. In *Czechoslovakia* several collective agreements provide for time-and-a-half rates. In *Germany* the collective regulations usually provide for time-and-a-half rates for work on Sundays and statutory holidays and double rates on certain public holidays. In *Great Britain* all time worked during the week-end, that is to say from the commencement of the Saturday afternoon shift to the commencement of the Sunday night shift, is paid at the rate of time-and-a-half in the districts of South Yorkshire, South Wales and Monmouthshire, Leicestershire, and Kent, and time-and-a-quarter rates in Scotland, although here the week-end ends with the commencement of the Sunday afternoon shift. In Northumberland and Durham all work done during the week-end is paid at the rate of at least six hours per shift. A few agreements provide for overtime pay for work done on certain holidays: in Cumberland the rate is time-and-a-quarter, and in South Yorkshire time-and-a-half. In the *Netherlands*, the collective agreement in force for hard coal mines provides that overtime worked on Sundays and holidays shall be paid for at double rates (150 per cent supplement at Easter, Whitsun and Christmas). In *New Zealand* any miner employed on a Sunday or public holiday is paid at time-and-a-half rates. The collective agreement in force in *Polish Upper Silesia* provides for time-and-a-half rates for work done on Sundays and statutory holidays and double rates for work done on certain public holidays. In *Rumania* several collective agreements concluded or renewed in 1934 provide in general for time-and-a-half rates for work done on Sundays and public holidays.

Recording of the time of descent and ascent in *Canada (Alberta), Great Britain, India and Japan* (in the last country only when the worker enters the mine before the fixed time or leaves it after the fixed time):

Checking of the times of descent and ascent by representatives of the workers in *Canada (Alberta and Nova Scotia) and Great Britain*:

Recording of overtime in the *Netherlands*.

8 Suspension of Regulations

Provision is made for suspending the application of the regulations in *Canada (Alberta)* and *Great Britain*, the reasons given being war, imminent national danger, or great emergency in *Great Britain*, great emergency in *Alberta*, and in both countries grave economic disturbance due to the demand for coal exceeding the supply available at the time.

9. Special Position of Underground Lignite Mines and Open Mines

UNDERGROUND LIGNITE MINES

The regulation of hours of work in underground lignite mines hardly differs from that applicable to underground hard coal mines. The statutory regulations, in particular, make no difference between the two. Only the collective agreements in *Czechoslovakia* and the collective regulations in *Germany* draw some distinctions. In *Czechoslovakia* the chief difference relates to Saturday work. Whereas in hard coal mines the length of the shift is 8 hours in the lignite fields of Northern Bohemia and Falknov and in some mines in other fields the Saturday shift is only 6 hours. In *Germany* the differences relate chiefly to the breaks allowed. In lignite mines these are not included in hours of work and work is discontinued during them; in hard coal mines they are included, but work is never discontinued. This means that the time spent in the mine is longer in lignite than in hard coal mines.

OPEN MINES

In countries which have both underground and open hard coal or lignite mines the same regulations whether established

by law or agreement, usually apply to both types of undertaking. This is true, for instance, of lignite mines in *Austria, Czechoslovakia, Germany* and *Yugoslavia*. As a rule the only difference in the regulations refers to the method of calculating the length of the shift, which calls for special provisions for underground mines. Further, in *Germany*, in the lignite mines of Central Germany, hours vary in certain cases with the nature of the undertaking, and even if there is no such difference, the length of the shift may vary owing to the fact that the breaks which are not included in hours of work are longer for open mines than for underground mines. In the *Netherlands* hours of work in open lignite mines are not regulated, according to an enquiry made by the International Labour Office in 1930, hours of work in 1929 were ten a day and 58 a week.

10. Actual Hours of Work

The figures for the regulation working week given above apply to a full-time week of six days. In view of the depression in the coal industry, however, the number of shifts worked per week has been reduced, thus leading to a reduction in actual hours of work.

A few statistics have been collected on actual hours of work in 1933 and 1934. In using these figures it must be borne in mind, first, that the data reproduced below cover only a sample (of varying size) of workers, and that therefore they cannot be taken as necessarily representing the average hours per worker, or the proportion of workers working hours given, for the whole of the country, secondly, that these statistics are drawn up according to different methods so that they are not strictly comparable. Most of these figures are given, together with notes on the sources and methods of compilation in each country, in the *International Labour Review* for February 1935, and in the *I L O Year-Book 1934*, Vol II.

In *France*, in April 1934 in mining industries, the most important of which is the coal industry, 40.9 per cent of the workers worked less than 40 hours a week, 46.5 per cent worked 40 to less than 48 hours and 12.6 per cent worked 48 hours or over. In July 1934 the corresponding percentages were respectively 49.9, 36.7 and 13.4, and in October 1934, 31.1, 55.7 and 13.2.

In *Germany*, in March 1934, 24.9 per cent of the workers employed in hard coal mines worked less than 40 hours a week, 55.3 per cent worked 40 to less than 48 hours and 19.8 per cent 48 hours or over. In June 1934 the corresponding percentages were respectively 22.0, 63.1 and 14.9.

In *Great Britain*, during the second fortnight of December 1934, the average number of days worked per week in coal mines in operation was 5.24¹.

In *Japan* in 1934, the average working day per worker in coal mines was 9 hours in March and 8.98 hours in June.

In the *United States* in March 1934, the average working week was 43.7 hours in anthracite mines and 34 hours in bituminous coal mines. In June 1934 the corresponding figures were respectively 31.7 and 26.2 hours and in September 1934, 29.2 and 23.6 hours.

III — PROBLEMS ARISING OUT OF INTERNATIONAL REGULATIONS FOR THE REDUCTION OF HOURS OF WORK

Mention was made in Section I of the studies and work undertaken by the International Labour Organisation first with a view to the preparation of the 1931 Convention limiting hours of work in coal mines, and later, with a view to the revision of that Convention on certain technical points. The provisions thus laid down, which will no doubt undergo any necessary amendment, are exactly adjusted to the many special needs of the regulation of hours of work in coal mines.

The Office does not consider it necessary or desirable to re-open discussion on technical questions on which a settlement has been reached, often as a result of a compromise, not only between employers and workers but also between Governments. This view is strengthened by the fact that during the procedure which led to the inclusion of the question of the partial revision of the 1931 Convention in the Agenda of the Nineteenth Session of the Conference the Governments have had an opportunity to draw attention to any technical provisions likely to prove difficult of application.

The present problem would appear to be reduced to that of studying how to effect a reduction of hours of work in coal mines.

¹ *The Ministry of Labour Gazette*, January 1935, p. 16.

and whether, and if so how far the provisions of the 1931 Convention can be retained in a new Convention aiming at the reduction of hours

1. Form which the Regulations should Assume

The first question is whether the international regulations for the reduction of hours of work in coal mines should take the form of a Convention or of a Recommendation. In this connection, it may be recalled that the Eighteenth Session of the Conference requested the Governing Body of the International Labour Office to place once more the question of the reduction of hours of work upon the Agenda of the next Session of the Conference, for the adoption of one or more Draft Conventions.

2 Reduction of Hours of Work

The 1931 Convention limits only the working day or length of the shift and provides for two separate sets of regulations: the first for workers employed on underground work in underground mines, with special provisions for workers employed in underground lignite mines; the second for workers employed directly or indirectly on the extraction of coal in open hard coal or lignite mines. It also prohibits the extraction of coal on Sundays.

For workers employed on underground work in hard coal mines the Convention provides that the time spent in the mine by each worker should not exceed 7 hours 45 minutes in the day. For workers employed in underground lignite mines a maximum break of 30 minutes may in certain conditions be excluded when reckoning the working day, so that the time spent in the mine may be raised to 8 hours 15 minutes. For workers employed directly or indirectly on the extraction of coal in open hard coal or lignite mines hours are fixed at 8 in the day and 48 in the week.

How can the hours fixed by the 1931 Convention be reduced?

In any case it seems that a weekly limit for the time spent in the mine should be fixed and that the maximum should be less than that resulting from the six shifts of 7 hours 45 minutes that may be worked under the 1931 Convention, namely, 46 hours 30 minutes.

Another question arises however, namely whether the length of the shift or daily time spent in the mine by each worker should also be reduced. The Office believes it desirable to leave the

length of the shift as fixed by the 1931 Convention unchanged. A reduction might lead to changes in the methods of calculation adopted after prolonged discussion and would have the further economic drawback of increasing for each worker the ratio of unproductive working hours (winding time underground travelling time and pauses) to the productive hours (time spent at the face)

It may be added that the reduction of hours does not necessarily call for a curtailment of the operation of the mine. The working of the mine during the six working days of the week, as at present allowed under the 1931 Convention, may be quite well secured by the workers whose working week has been reduced. To this end a system of rotation may be organised which, although it may complicate slightly the organisation of shifts, should not meet with technical difficulties. The principal object of the reduction is to enable the employment of a larger number of miners during the period of operation of the mine.

In these conditions, what figure may be suggested for the maximum working week? For industry in general, the main tendency is towards the introduction of a 40-hour week, or five times 8 hours, corresponding to an equivalent reduction of the week by one working day of 8 hours. A reduction of the same kind might be applied for workers employed in coal mines, so that the working week might be fixed at five times 7 hours 45 minutes, or 38 hours 45 minutes. For underground lignite mines, breaks to a total of not more than 30 minutes might be excluded in the calculation of hours of work, as is done in the 1931 Convention. This would lengthen the time spent in the mine by that amount. For workers employed in open hard coal and lignite mines, the working week might be reduced to 40 hours.

These limits would meet the general demand for giving miners shorter hours than those worked in industry in general.

From the technical point of view, if it is wished to operate the mine during the six working days of the week, this weekly maximum would allow of the employment of the workers in rotation at the rate of 7 hours 45 minutes (8 hours in open mines) in the day. Each working five days in the week, the workers of the mine, a section of the mine or a workplace, previously increased by one-fifth, would be divided for this purpose into six groups, five of which would work in turn each day while the sixth rested.

It would also be possible to organise the rotation of the workers, not by the day, but by the week, each group working in turn during five consecutive weeks and being laid off during the sixth

The time spent in the mine by each worker would be 232 hours 30 minutes during the six weeks, or an average of 38 hours 45 minutes in the week (respectively 240 hours and 40 hours in open mines). But while the first arrangement of hours of work would be compatible with a strict limitation of the working week to 38 hours 45 minutes (40 hours in open mines), the second arrangement would mean calculating the working week as an average over six weeks. The period of 38 hours 45 minutes (40 hours in open mines) might be exceeded and increased to 46 hours 30 minutes (48 hours in open mines), but the actual length of the shift would not be modified. It does not seem, therefore, that the extension would lead to abuse.

In the report submitted to the Seventeenth Session of the Conference (1933), the Office had also considered the possibility of conceiving of "other systems of rotation which to the satisfaction of both employers and employed would cover periods of over six weeks and would involve periods of inactivity of up to one month, as under the Krumper System in Germany." To facilitate such systems the Office proposed that the Convention should contain a clause under which the application of methods of arranging hours involving the calculation of the average over a period exceeding six weeks could be authorised, subject to agreement between the employers' and workers' organisations concerned, or, where no such organisations exist, between representatives of the employers and workers, such agreements being approved by the competent authority.

In regard to this question of the calculation of average hours of work, the Governments might be consulted on the question whether the period to be covered by the calculation should be mentioned in the Convention, or whether it should be left to national legislation or the competent authority to fix it. Further, for open mines, it would no doubt be advisable to provide for greater facilities for spreading hours of work, subject to a maximum of 8 a day and 48 a week or even more, provided that a weekly average of 40 hours is observed. These systems might be authorised by the competent authority after consulting the parties concerned.

3 Provisions of the 1931 Convention that might be Retained in a New Convention to Reduce the Working Week

The provisions concerning the scope of application of the Convention as regards mines (Article 1) and workers (Article 2) might remain unchanged.

As far as those defining the time spent in the mine (Article 3) and the method of calculating this time (Articles 4 and 5) are concerned it should be clearly understood that the period in question covers all the time spent in the mine. The weekly time spent in the mine would thus be equal to the total of the daily periods spent in the mine during the course of the week.

The prohibition of underground work on Sundays and legal public holidays and the regulation of work authorised on these days (Article 6) might also be retained, account being taken of the difficulties that have arisen out of the interpretation of the term 'Sundays and legal public holidays'. It will be suggested below, however, that continuous work should be subject to a special system, so that it ought to be made clear that the provisions of paragraph 4 concerning a compensatory rest period or an extra payment should not apply to this work.

The provisions concerning the reduction of the length of the shift for workers employed in workplaces which are rendered particularly unhealthy by reasons of abnormal conditions of temperature, humidity or other cause (Article 7) might be retained, especially as the new regulations would keep the length of the shift at 7 hours 45 minutes a maximum which is definitely above that fixed by many national regulations for work done in the conditions in question.

The extensions provided in case of accident and for preparatory and complementary work (Article 8) might be retained, account being taken as regards preparatory and complementary work of the technical requirements to which attention has been drawn since the adoption of the Convention and which have given rise to the procedure for its revision. It would be understood that the daily exceptions would extend the working week.

The question of continuous operations (Article 8), in particular those which have to be carried out on all seven days of the week, assumes a different aspect. The 1931 Convention dealt only with the working day and allowed for extensions of each shift, among other things to permit of the change of shifts at the place of work. It also provided that these operations might be carried out on Sundays and prescribed overtime pay at not less than one-and-a-quarter times the regular rate for Sunday work. Further, workers who are engaged to a considerable extent on work permitted on Sundays—as is the case, in particular, for those employed in continuous processes—were to be assured either a compensatory rest period or an extra payment. If a compensatory rest period

Proposals

Continuity is at present ensured by workers who work in shifts of eight hours. In order to allow the change over of the shift at the place of work, the 1931 Convention provided for an extension of the time spent in the mine by 30 minutes, bringing the total time spent in the mine to 8 hours 15 minutes. This extension has been found insufficient in certain cases, and the proposal for revision would allow the worker to remain 8 hours at the place of work, excluding travelling time. A new exception is also proposed to provide for the periodic change over of the time-table of the shift.

The new regulations fixing a shorter working week might provide for organizing the work on the basis of a shorter week by the employment of a fourth shift. In this case the work may be done either by four shifts, each working 8 hours at the place of work, the period of rotation being four weeks, or by four shifts, each working 6 hours at the face. In both cases, the weekly time spent at the place of work would be 42 hours, calculated as an average in the first case, and this would be the normal working week for the workers covered by this system.

The provisions concerning overtime (Articles 9, 13 and 14) might be left unchanged in view of the maximum fixed for the working week. It may be recalled that the 1931 Convention allowed undertakings

60 hours of overtime a year for workers employed in underground hard coal mines,

75 hours of overtime a year for workers employed in underground lignite mines, to which may be added in certain conditions a further 75 hours,

100 hours of overtime a year for workers employed in open hard coal and lignite mines, to which may be added in cases of special need and subject to certain conditions a further 100 hours

The provisions concerning the inclusion of breaks in the calculation of the time spent in the mine for workers employed in underground lignite mines (Article 13) might also be retained

As regards open hard coal and lignite mines (Article 14), it should be remembered that the 1931 Convention placed them under the regulations of the Washington Convention of 1919, subject to a limitation of overtime. As mentioned above, however, workers employed in these mines might be placed under a special system of regulation of normal hours, namely a 40-hour week with special possibilities of spreadover, and of overtime, namely a maximum of 200 hours a year. In these conditions there would no longer be occasion to leave them under the 1919 Convention, they ought rather to be placed under the new Mines Convention except where they are subject to special provisions.

The provisions concerning measures of application (Article 12) might be supplemented by requiring the management of every mine to state where necessary the organisation of the rotation of shifts.

The remaining provisions of the 1931 Convention—consultation of employers' and workers' organisations for the establishment of the regulations made by public authority (Article 10), information to be given in the annual reports (Article 11), suspension of the Convention (Article 16), could be retained unchanged.

CONSULTATION OF THE GOVERNMENTS

The question which might be made the subject of international regulation has been discussed above. It now remains to decide, as fully as possible, in accordance with Article 6 of the Standing Orders of the Conference, the points upon which the Governments might be consulted.

Taking into account the conclusions reached above and the solutions upon which, in the opinion of the Office, international agreement would be possible, the Office has drawn up the following list of points upon which it considers that the Conference might instruct it to consult the Governments.

1. Form of the regulations, namely.

- (a) Draft Convention, or
- (b) Recommendation.

2. Advisability of retaining the provisions of the Hours of Work (Coal Mines) Convention, 1931, subject to the changes necessitated by the fixing of shorter hours and those changes which are the subject of the procedure of revision.

3 Limitation of hours of work.

- (a) The fixing for workers employed on underground work in coal mines of a limit for the weekly time spent in the mine below that resulting from the application of the 1931 Convention in its present form.
- (b) The fixing for workers employed in open coal mines of a working week of less than forty-eight hours
- (c) Desirability of fixing:
 - a strict weekly limit for the time spent in the mine or for the hours of work;
 - or an average weekly limit for the time spent in the mine or for the hours of work.

In the latter case;

the fixing in the regulations of the period over which the average weekly time spent in the mine or hours of work should be calculated, or

the fixing of this period by national legislation or by the competent authority.

- (d) Desirability of maintaining the limit of the daily time spent in the mine at 7 hours 45 minutes in underground mines, and at 8 hours in open mines, or of reducing this period.
 - (e) The fixing of a limit for the weekly time spent in the mine or for the hours of work for workers whose work is continuous, day and night, throughout the week.
 - (f) Advisability of requiring the management of every mine to state, if occasion arises, the organisation of the system of rotation.
 - (g) Advisability of making the Convention apply to open mines, subject to special regulations as to normal hours of work, with special methods of spreading these hours, and as to overtime.
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THIRD PART

BASIS FOR A SINGLE AND FINAL DISCUSSION

This part is designed to enable the Conference, if it should so desire, to take a decision at its Nineteenth Session as to the adoption of international regulations for the reduction of hours of work in coal mines. It therefore gives the text of a proposed Draft Convention submitted by the Office for the consideration of the Conference, together with a commentary limited—for the reasons explained below—to certain provisions of this text.

In framing its proposals for a Draft Convention to secure a reduction of hours of work in coal mines, the complete text of which appears at the end of this volume, the Office has had the advantage of being able to take as a basis the Hours of Work (Coal Mines) Convention adopted by the Conference in 1931. The revision of that Convention will, it is true, be under consideration by the Nineteenth Session of the Conference, but the revision is restricted to four points of detail (apart from a formal change in one of the "standard Articles") which affect only two Articles. As these are the only points in respect of which the Governing Body of the International Labour Office, after lengthy investigation and consultation of Governments¹, has decided that the procedure for revision of the Convention of 1931 should be opened, the Conference, when considering the adoption of a new Draft Convention on hours of work in coal mines, will probably agree that there is no occasion for it to make any change in the other detailed provisions of the existing Convention except in so far as is required to effect a further limitation of hours. On this assumption, therefore, the proposals for the new Draft Convention submitted by the Office simply reproduce without change most of the Articles of the existing Convention, and no comment is offered upon them.

Certain Articles of the existing Convention have had, of course, to be altered in order to adapt them to the purpose of the new

¹ Cf. INTERNATIONAL LABOUR OFFICE *Partial Revision of the Hours of Work (Coal Mines) Convention, 1931* (International Labour Conference, Nineteenth Session, 1935, Report VII)

Convention, and in these and, consequentially also in one or two others, some changes of form have been necessary. The changes both of substance and of form that have been incorporated in the Articles of the proposed new Convention as compared with the corresponding Articles of the existing Convention are indicated, and the reasons for them explained, in the commentary which is given below

It remains to explain the course that has been followed in dealing with Articles 6 and 8 of the existing Convention which will come before the Conference for revision under Item VII of its Agenda. It may be assumed that the Conference will wish to incorporate in the new Draft Convention whatever revisions it may decide to make in the existing Convention. In the case of Articles 6 and 8, therefore, the Office has deemed it expedient, in order to avoid confusion, to base the proposed text for the new Convention, not upon the text of these Articles as they appear in the Convention of 1931, but upon that text as it will be revised if the proposals of the Office in connection with revision are adopted by the Conference. Accordingly, Articles 6 and 8 of the proposed new Draft Convention reproduce, with the changes necessary for the purpose of a further reduction of hours, the proposed revised text of Articles 6 and 8 of the existing Convention. If any of the suggested revisions should be rejected or amended by the Conference, the necessary changes can be effected without difficulty to make the text of the new Convention correspond with the revised text of the existing Convention as finally adopted. The changes in these revised Articles that have been made with a view to the further limitation of hours are indicated, and the reasons for them explained, in the commentary upon Articles 6 and 8 below

COMMENTARY UPON CERTAIN ARTICLES OF THE PROPOSED DRAFT CONVENTION FOR THE REDUCTION OF HOURS OF WORK IN COAL MINES¹

LIMITATION OF WEEKLY HOURS OF WORK

Article 3

1 Hours of work in underground hard coal mines shall mean the time spent in the mine calculated as follows

- (a) time spent in an underground mine shall mean the period between the time when the worker enters the cage in order to descend and the time when he leaves the cage after re-ascending,

¹ The passages in heavy type indicate the departures from the text of the Convention of 1931 or, in the case of Articles 6 and 8, from the proposed revised text of that Convention

(b) in mines where access is by an adit the time spent in the mine shall mean the period between the time when the worker passes through the entrance of the adit and the time of his return to the surface

2 In no underground hard coal mine shall the time spent in the mine by any worker exceed seven hours and forty-five minutes in the day nor shall it exceed thirty-eight hours and forty-five minutes per week.

3. The competent authority in each country shall, after consultation with the organisations of employers and workers concerned where such exist, decide whether or not the above weekly limit may be calculated as an average. If the competent authority decides to permit averaging, it shall by the same procedure determine the number of weeks over which the average may be calculated

The maximum weekly limit of hours of work fixed in the proposed Draft Conventions submitted by the Office in respect of all the other industries included in the item on the Agenda of the Conference represents a reduction of the limit fixed by the Hours of Work (Industry) Convention, 1919, by eight hours, which is the maximum length of a day's work under that Convention. The Office proposes that an equivalent reduction should be effected in the case of coal mines by fixing the weekly limit at five times the daily limit prescribed by the Convention of 1931. Paragraph 2 of this Article accordingly provides that the time spent in the mine by a worker shall not exceed 38 hours 45 minutes per week. The maximum daily limit remains unchanged at 7 hours 45 minutes. The Office has not proposed any reduction in this limit, since it felt that the fixing of a lower limit might raise objections on the ground that such a change would disturb the existing proportion between productive time (time spent at the place of actual work) and non-productive time (time spent in descending and ascending the pit, travelling underground, rest periods). As the non-productive time would be unchanged, the effect of lowering the daily limit would be to reduce the amount of productive time and consequently to raise again the problem of the basis on which hours of work should be calculated. The daily limit of 7 hours 45 minutes is, of course, a maximum, and its maintenance does not prevent the distribution of the weekly total of 38 hours 45 minutes over the six days of the week with a shorter time per day. This would be a matter for arrangement between the employers and the workers.

If the weekly total of 38 hours 45 minutes is worked in daily spells of 7 hours 45 minutes, there are two possible courses. The working of the mine might be suspended for one day, in which case the workers would work a five-day week. Alternatively, the working of the mine might be carried on for six days a week, in which case

it would be necessary to organise a system of rotation of workers. This rotation might be effected within the space of one week or several weeks might be required to complete the cycle¹. In order to permit of rotation over a period of several weeks, provision is made for the time spent in the mine being calculated as an average over a period. Paragraph 3 of this Article places the responsibility for deciding whether or not averaging shall be permitted upon the competent authority. It stipulates that before this decision is taken the competent authority shall consult the organisations of employers and workers concerned, and also provides as a further safeguard that the competent authority shall likewise consult the organisations before determining the length of the period over which the average may be calculated.

It should be observed that, even if averaging is allowed, the organisation of the rotation system must not entail the working on any day of hours in excess of the daily limit of 7 hours 45 minutes, which remains the overriding maximum.

CALCULATION OF TIME SPENT IN THE MINE

Article 4

The provisions of this Convention shall be deemed to be complied with if the period between the time when the first workers of the shift or of any group leave the surface and the time when they return to the surface does not exceed seven hours and forty-five minutes. The order of and the time required for the descent and ascent of a shift and of any group of workers shall, moreover, be approximately the same.

The amendment indicated above is purely a drafting change. The text of 1931 refers to the limit "laid down in paragraph 3 of Article 3". As this paragraph in its amended form now lays down both a daily and a weekly limit, it would seem preferable to specify the limit meant in Article 4 explicitly rather than by reference.

WORK ON SUNDAYS AND HOLIDAYS

Article 6

1 (1) Workers shall not be employed on underground work in coal mines on Sundays and legal public holidays.

¹ The organisation of systems of rotation is dealt with in detail in Part II

(2) This requirement shall be deemed to be complied with if the workers are not employed during a period of twenty-four consecutive hours, of which at least eighteen fall upon the Sunday or legal public holiday

2 National laws or regulations may authorise the following exceptions to the provisions of the preceding paragraph for workers over 18 years of age:

- (a) for work which, owing to its nature, must be carried on continuously,
- (b) for work in connection with the ventilation of the mine and the prevention of damage to the ventilation apparatus, safety work, work in connection with first aid in the case of accident and sickness, and the care of animals,
- (c) for survey work in so far as this cannot be done on other days without interrupting or disturbing the work of the undertaking,
- (d) for urgent work in connection with machinery and other appliances which cannot be carried out during the regular working time of the mine, and in other urgent or exceptional cases which are outside the control of the employer

3 The competent authorities shall take appropriate measures for ensuring that no work is done on Sundays and legal public holidays except as authorised by this Article

4 Work permitted under clauses (b), (c) and (d) of paragraph 2 of this Article shall be paid for at not less than one-and-a-quarter times the regular rate

5 Workers who are engaged to any considerable extent on work permitted under clauses (b), (c) and (d) of paragraph 2 of this Article shall be assured either a compensatory rest period or an adequate extra payment in addition to the rate specified in paragraph 4 of this Article. The detailed application of this provision shall be regulated by national laws or regulations

The introduction of a maximum working week for workers employed on operations that have to be carried on continuously for the seven days of the week necessitates consideration of the position of such workers in regard to overtime pay for work on Sundays and public holidays. The Draft Convention of 1931 provided that for work done on Sundays and holidays the worker should receive overtime pay at the usual time-and-a-quarter rate and also, if he had to work on these days to any considerable extent, should receive either a further payment or a compensatory rest period. Special provisions of this kind for workers who have to work regularly on Sundays as well as week-days may be justified by the exceptional character of Sunday work and the fact that, unless a compensatory rest period were granted, the working week of such workers would be substantially longer than that of other workers. If, however, a maximum week is fixed for workers on continuous operations which is approximately the same as that

fixed for other workers, and if the continuity of the operations is assured by a four-shift system under which work on some Sundays and holidays becomes a normal feature of work in successive shifts, compensatory time off being secured by the normal rotation of shifts, there does not appear to be the same justification as hitherto for such special provisions. These changes are effected by the amendments suggested in Article 8 of the proposed new Draft Convention, prescribing a maximum working week of 42 hours which may be calculated as an average for workers engaged in necessarily continuous operations. Work on continuous operations on Sundays and holidays being thus covered by the new provisions of Article 8, the provisions concerning overtime and special payments or compensatory time off in paragraphs 4 and 5 of Article 6 are made applicable only to the other, non-continuous, work specified in paragraph 2.

NECESSARILY CONTINUOUS OPERATIONS

Article 8

1 Regulations made by public authority may authorise the limits of hours provided for in Articles 3, 4, 5 and 7 to be exceeded in case of accident, actual or threatened, in case of *force majeure*, or in case of urgent work to be done to machinery, plant or equipment on the mine as a result of a breakdown of such machinery, plant or equipment, even if coal production is thereby incidentally involved, but only so far as may be necessary to avoid serious interference with the ordinary working of the mine.

2. (1) Regulations made by public authority may authorise the limits of hours provided for in Articles 3, 4, 5 and 7 to be exceeded in the case of workers employed on operations which by their nature must be carried on continuously.

(2) Such regulations shall not, except in the case provided for in sub-paragraph (4) below, authorise the employment of any worker for more than eight hours per day or forty-two hours per week exclusive of time spent in the mine by that worker in reaching and returning from his place of work.

(3) The competent authority in each country shall, after consultation with the organisations of employers and workers concerned where such exist, decide whether or not the above weekly limit may be calculated as an average. If the competent authority decides to permit averaging it shall by the same procedure determine the number of weeks over which the average may be calculated.

(4) Such regulations may authorise workers in charge of main underground ventilation and pumping stations to be employed to such extent as may be necessary to permit the periodical change-over of shifts and time worked in virtue of this provision shall not be deemed to be overtime.

3 (1) Regulations made by public authority may authorise the limits of hours provided for in Articles 3, 4, 5 and 7 to be exceeded to the extent stated below in the case of workers employed on technical work which

- (a) is necessary for preparing or terminating work in the ordinary way or for a full resumption of work on the next shift, and
- (b) does not involve the production or transport of coal

(2) The extent to which such regulations may authorise the limits referred to to be exceeded is

- (a) half an hour per day,
- (b) in the case of underground storemen, winchmen and locomotive drivers for whom the competent authority grants special exemption, such time as the said authority may specify when granting such exemption

4 In the case of all mines in normal operation the number of workers employed in virtue of paragraphs 2 and 3 of this Article shall at no time exceed five per cent of the total number of persons employed at the mine

5 Overtime worked in virtue of the provisions of this Article shall be paid for at not less than one-and-a-quarter times the regular rate

In the case of operations that are necessarily continuous, the normal 40-hour week cannot well be applied, and provision is therefore made in paragraph 2 (2) of this Article for a maximum working week of 42 hours in the case of workers employed on such operations. This is the same limit as is fixed for continuous work in the other proposed Draft Conventions for the reduction of hours of work submitted to the Nineteenth Session of the Conference and as was adopted by the Eighteenth Session in the Sheet-Glass Works Convention. The reduction of the working week to 42 hours can be effected by the employment of a fourth shift of workers on work that is at present carried out by three shifts. With four shifts the length of the daily spell of each worker could be reduced to six hours, but if the eight-hour daily spell is maintained it is necessary to allow for the calculation of the maximum working week as an average over a period of several weeks. Provision for averaging is therefore made in paragraph 2 (3), under exactly the same conditions as are prescribed in Article 3 (3) in respect of averaging on non-continuous operations. Whether averaging is to be allowed or not, and, if it is, what is to be the length of the period over which the average is to be calculated, are matters to be determined by the competent authority in each country, which, before taking its decisions, is required to consult the organisations of employers and workers concerned.

ENFORCEMENT OF THE REGULATIONS

Article 12

In order to facilitate the effective enforcement of the provisions of this Convention the management of every mine shall be required·

- (a) to notify, by the posting of notices in conspicuous positions at the pithead or in some other suitable place or by such other method as may be approved by the public authority.
 - (i) the hours at which the workers of each shift or group begin to descend and complete the ascent,
 - (ii) where a rotation system is applied, a description of the system including a time-table for each shift or group; and
 - (iii) the arrangements made in cases where the average duration of the working week is calculated over a number of weeks;
- (b) not to alter the hours so notified except in such manner and with such notice as may be approved by the public authority, and
- (c) to keep a record in the form prescribed by the public authority of all additional hours worked in pursuance of Articles 8 and 9 of this Convention

As provision has been made, in Articles 3 and 8, for the calculation of hours of work as an average and for the adoption of systems of rotation, sub-clauses (ii) and (iii) have been added to clause (a) of this Article so as to ensure that the necessary details on these matters are included in the information that has to be posted up at the pit-head or otherwise made accessible to the workers and inspectors for the purpose of facilitating the enforcement of the regulations

The inclusion of the additional matter has rendered it desirable to recast the form of the Article. The new form corresponds more closely than the original text of the Draft Convention of 1931 with that of the corresponding provisions of the Hours of Work Conventions of 1919 and 1930, and is the same as that adopted in the Sheet-Glass Works Convention of 1934 and in the proposed texts for Draft Conventions relating to other industries submitted to the Nineteenth Session of the Conference. It should, however, be pointed out that the recasting involves a slight change in substance, since it is no longer required that the time-table of hours of work shall be submitted to the competent authority for approval nor is it expressly stated that the hours shown in the time-table must conform to the provisions of the Convention. The latter stipulation

is clearly superfluous, while the former is unnecessary since the time table is open to inspection at any time. It has therefore been thought desirable to bring the text of this Article into conformity with the corresponding Articles of the other Conventions.

SPECIAL PROVISIONS FOR OPEN HARD COAL MINES AND LIGNITE MINES

Article 14

1. In no open hard coal or lignite mine shall the hours of work of any worker exceed an average of forty per week.

2. Where hours of work are calculated as an average the competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the number of weeks over which the average may be calculated.

3. (1) No arrangement of hours of work made in virtue of this Article shall allow of any person working for more than eight hours in any day or forty-eight hours in any one week.

(2) Provided that, subject to the forty-eight hour weekly limit, the daily limit may, by the sanction of the competent authority or by agreement between employers' and workers' representatives, be increased to nine hours.

(3) Provided also that the limits of eight and forty-eight hours may be exceeded in exceptional cases in which the competent authority, after consultation with the employers' and workers' organisations concerned where such exist, approves an arrangement of hours involving higher limits.

4. The rules prescribed for underground hard coal mines by Articles 6, 7, 8, 10, 11 and 12 shall apply also to open hard coal and lignite mines.

5. (1) Regulations made by public authority may place at the disposal of open mines throughout the country as a whole not more than one hundred hours of overtime additional to the overtime permitted under Article 8.

(2) Where special needs so require but only in such cases the competent authority may approve collective agreements which provide for an increase of the aforesaid one hundred hours by not more than a further hundred hours per year.

(3) Overtime worked in virtue of this paragraph shall be paid for at not less than one-and-a-quarter times the regular rate.

This Article is almost wholly new, as compared with Article 14 of the Draft Convention of 1931, but the changes, except as regards the further reduction of hours of work, are merely matters of form. The Draft Convention of 1931 applied to open hard coal mines and to lignite mines the provisions of the Hours of Work (Industry)

Convention of 1919, with certain modifications as regards overtime. The new text now submitted combines the further limitation of hours with the provisions of the 1919 Convention that remain relevant and maintains the special provisions of the 1931 Convention as regards overtime.

Paragraph 1 effects the further limitation of hours in the same proportion as for other coal mines and for other industries, the maximum being fixed at forty hours per week.

Paragraph 2 makes provision for the calculation of the 40-hour maximum as an average over a period of weeks, on the same lines as is done in Article 3 (3) and Article 8 (2) (3) for other coal mines.

Paragraph 3 provides for the maintenance of the daily limit of 8 hours and the weekly limit of 48 hours fixed by the Convention of 1919, in order to prevent an excessively long day or week resulting from the adoption of a system of averaging. As this limitation might prove too rigid in certain cases, a certain latitude is permitted by sub-paragraphs (2) and (3) but is subjected to certain safeguarding conditions. If the weekly limit of 48 hours is maintained, the daily limit may be extended to 9 hours with the sanction of the competent authority or, if the employers and workers concerned agree, without the necessity of applying to the competent authority for sanction. If, however, it is desired to exceed both the daily and weekly limits during part of the averaging period, application must be made to the competent authority, which must be satisfied that the case is exceptional and must consult the employers' and workers' organisations before it sanctions an arrangement of hours entailing higher limits than 8 in the day and 48 in the week. These provisions correspond to those included in the proposed Draft Convention relating to the iron and steel industry submitted to the Nineteenth Session of the Conference.

The provisions applicable to underground hard coal mines relating to work on Sundays and public holidays, shorter hours for work in abnormal workplaces, extended hours for emergencies, continuous operations, and other special cases, consultation with the organisations of employers and workers, and the furnishing of information in the annual reports on the application of the Convention, are applied to open hard coal mines and lignite mines by paragraph 4 of this Article.

The allowances of overtime provided for in Article 14 of the Draft Convention of 1931 are maintained by sub-paragraphs 1 and 2 of paragraph 5 of the new Article, while sub-paragraph 3 makes the stipulation as regards the rate of payment for this overtime.

which in the Draft Convention of 1931 is secured by the application of the provisions of Article 6 of the Convention of 1919

* * *

In conclusion, the Office submits at the end of this volume the following texts for the consideration of the Conference, namely

(1) A draft resolution embodying a declaration by the Conference in favour of the principle of the 40-hour week as the general international standard of hours of work, without prejudice to further reduction where circumstances permit, and of the progressive application of this principle over the whole field of employment by a series of Draft Conventions, having regard to the special circumstances of particular groups of establishments or classes of workers (cf pp 13-16),

(2) A proposed Draft Convention making specific provision for the application of this principle in the case of coal mines, and including a Preamble which, as explained in Part I (p 15), would be common to the series of separate Conventions and the object of which would be to integrate them into a whole on the basis of the general declaration mentioned above, and

(3) A draft resolution concerning the adjustment of wages and salaries (cf pp 17-19)

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DRAFT RESOLUTION ON THE REDUCTION OF HOURS OF WORK

Whereas unemployment has become so widespread and long-continued that there are at the present time many millions of workers throughout the world suffering hardship and privation for which they are not themselves responsible and from which they are justly entitled to be relieved,

Whereas it is desirable that workers should as far as practicable be enabled to share in the benefits of the rapid technical progress which is a characteristic of modern industry,

Whereas in pursuance of the Resolution adopted by the Eighteenth Session of the International Labour Conference it is necessary that a continuous effort should be made to reduce hours of work in all forms of employment to such extent as is possible,

The Conference therefore declares its approval of the principle of the forty-hour week as the general international standard of hours of work and as a guide for the action of the Members of the Organisation, without prejudice to further reductions of hours where circumstances permit

The Conference will proceed, at the present and subsequent Sessions, to the consideration of a series of Draft Conventions for the progressive application of this principle to the whole field of employment, having regard to the special circumstances of particular groups of establishments or classes of workers

The Conference accordingly decides to refer to a Committee for consideration the Reports prepared by the International Labour Office on the application of the reduction of hours of work to

- (a) public works undertaken or subsidised by Governments,
 - (b) iron and steel,
 - (c) building and contracting,
 - (d) glass bottle manufacture,
 - (e) coal mines
-

PROJET DE RÉSOLUTION CONCERNANT LA RÉDUCTION DE LA DURÉE DU TRAVAIL

Considérant que le chômage a pris des proportions tellement étendues et sévit depuis si longtemps qu'il y a actuellement dans le monde des millions de travailleurs en butte à la misère et à des privations dont ils ne sont pas eux-mêmes responsables et dont ils ont légitimement le droit d'être soulagés,

Considérant qu'il serait désirable que les travailleurs soient mis, dans la mesure du possible, à même de participer au bénéfice des progrès techniques dont le développement rapide caractérise l'industrie moderne,

Considérant que, pour donner suite à la résolution adoptée par la dix-huitième session de la Conférence internationale du Travail, il est indispensable de tenter un effort continu afin de réduire le plus possible la durée du travail dans toutes les catégories d'emploi,

La Conférence se déclare en faveur du principe de la semaine de quarante heures comme limite internationale générale de la durée du travail, et comme directive pour les membres de l'Organisation, sans préjudice des nouvelles réductions que les circonstances pourraient permettre,

Et elle procédera, à la session actuelle et aux sessions suivantes, à l'examen d'une série de projets de convention destinés à assurer l'application progressive de ce principe à l'ensemble de l'activité économique, en tenant compte des conditions particulières à des groupes d'établissements ou à des catégories de travailleurs déterminés

La Conférence décide en conséquence de renvoyer à l'examen d'une commission les rapports préparés par le Bureau international du Travail sur l'application de la réduction de la durée du travail

- a) aux travaux publics entrepris par les gouvernements ou subventionnés par eux,
 - b) au fer et à l'acier,
 - c) au bâtiment et au génie civil,
 - d) au verre à bouteilles,
 - e) aux mines de charbon
-

PROPOSED DRAFT CONVENTION CONCERNING HOURS OF WORK IN COAL MINES

The International Labour Conference,

Having met at Geneva in its Nineteenth Session on 4 June 1935,

Considering that the question of the reduction of hours of work appears on the Agenda of the Session,

Having adopted 'on June 1935 a resolution declaring its approval of the principle of the forty-hour week as the general international standard of hours of work. and

Having determined to give effect to this reduction forthwith in the case of coal mines,

adopts, this day of June 1935, the following Draft Convention:

ARTICLE 1

1. This Convention shall apply to all coal mines, that is to say, to any mine from which only hard coal or lignite, or principally hard coal or lignite together with other minerals, is extracted.

2 For the purpose of this Convention, the term "lignite mine" shall mean any mine from which coal of a geological period subsequent to the carboniferous period is extracted.

ARTICLE 2

For the purpose of this Convention, the term "worker" shall mean:

- (a) in underground coal mines, any person occupied underground by whatever employer and on whatever kind of work he may be employed, except persons engaged in supervision or management who do not ordinarily perform manual work.
- (b) in open coal mines, any person employed directly or indirectly in the ~~extraction~~ ^{mining} of coal, except persons engaged

AVANT-PROJET DE CONVENTION CONCERNANT LA DURÉE DU TRAVAIL DANS LES MINES DE CHARBON

La Conférence internationale du Travail,

S'étant réunie à Genève le 4 juin 1935 en sa dix-neuvième session,

Considérant que la question de la réduction de la durée du travail figure à l'ordre du jour de la session,

Ayant adopté le 4 juin 1935 une résolution en faveur du principe de la semaine de quarante heures comme limite internationale générale de la durée du travail,

Décidée à réaliser dès maintenant cette réduction en ce qui concerne les mines de charbons,

adopte, ce 4 jour de juin 1935, le projet de convention ci-après

ARTICLE PREMIER

1 La présente convention s'applique à toutes les mines de charbon, c'est-à-dire à toute mine d'où il est extrait, soit seulement de la houille ou du lignite, soit principalement de la houille ou du lignite en même temps que d'autres minéraux

2 Pour l'application de la présente convention, est considérée comme « mine de lignite », toute mine d'où il est extrait un charbon d'âge géologique postérieur au carbonifère

ARTICLE 2

Pour l'application de la présente convention, est considéré comme « ouvrier »

- a) dans les mines souterraines de charbon, toute personne occupée aux travaux souterrains, quelle que soit l'entreprise qui l'emploie et quelle que soit la nature des travaux auxquels elle est employée, à l'exception des personnes occupant un poste de surveillance ou de direction et ne participant normalement à aucun travail manuel,
- b) dans les mines de charbon à ciel ouvert, toute personne occupée directement ou indirectement à l'extraction du

in supervision or management who do not ordinarily perform manual work

ARTICLE 3

1. Hours of work in underground hard coal mines shall mean the time spent in the mine calculated as follows:

- (a) time spent in an underground mine shall mean the period between the time when the worker enters the cage in order to descend and the time when he leaves the cage after re-ascending;
- (b) in mines where access is by an adit the time spent in the mine shall mean the period between the time when the worker passes through the entrance of the adit and the time of his return to the surface

2. In no underground hard coal mine shall the time spent in the mine by any worker exceed seven hours and forty-five minutes in the day nor shall it exceed thirty-eight hours and forty-five minutes per week.

3. The competent authority in each country shall, after consultation with the organisations of employers and workers concerned where such exist, decide whether or not the above weekly limit may be calculated as an average. If the competent authority decides to permit averaging, it shall by the same procedure determine the number of weeks over which the average may be calculated.

ARTICLE 4

The provisions of this Convention shall be deemed to be complied with if the period between the time when the first workers of the shift or of any group leave the surface and the time when they return to the surface does not exceed seven hours and forty-five minutes. The order of and the time required for the descent and ascent of a shift and of any group of workers shall, moreover, be approximately the same.

ARTICLE 5

1. Subject to the provisions of the second paragraph of this Article, the provisions of this Convention shall be deemed to be complied with if the national laws or regulations prescribe that for calculating the time spent in the mine the descent or ascent of the workers is to be calculated according to the weighted average duration of the descent or ascent of all shifts of workers in the whole country. In this case, the period between the time when the last worker of the shift leaves the surface and the time when the first worker

charbon, à l'exception des personnes occupant un poste de surveillance ou de direction et ne participant normalement à aucun travail manuel

ARTICLE 3

1 La durée du travail dans les mines souterraines de houille consiste dans la durée de présence dans la mine, déterminée de la manière suivante

- a) est considérée comme durée de présence dans une mine souterraine, la période comprise entre le moment où l'ouvrier entre dans la cage pour descendre et le moment où il en sort, la remonte effectuée,
- b) dans les mines où l'entrée a lieu par galerie, est considéré comme durée de présence dans la mine le temps qui s'écoule entre le moment où l'ouvrier franchit l'entrée de la galerie d'accès et celui où il est de retour à la surface

2 Dans aucune mine souterraine de houille, la durée de présence de chaque ouvrier dans la mine ne peut excéder ni sept heures quarante-cinq minutes par jour, ni trente-huit heures quarante-cinq minutes par semaine

3 Dans chaque pays, l'autorité publique, après consultation des organisations patronales et ouvrières intéressées, s'il en existe, décidera si la limite hebdomadaire ci-dessus peut être calculée en moyenne. Dans ce cas, elle fixera, suivant la même procédure, le nombre de semaines sur lequel cette durée moyenne peut être calculée

ARTICLE 4

Les prescriptions de la présente convention seront considérées comme remplies si la durée comprise entre le moment où les premiers ouvriers du poste ou d'un groupe quelconque quittent la surface et celui où ils regagnent la surface n'excède pas sept heures quarante-cinq minutes. L'ordre et la durée tant de la descente que de la remonte d'un poste ou d'un groupe quelconque d'ouvriers devront, en outre, être sensiblement les mêmes

ARTICLE 5

1 Sous réserve des dispositions du deuxième alinéa du présent article, les prescriptions de la présente convention seront considérées comme remplies si la législation nationale prescrit qu'en vue du calcul de la durée de présence dans la mine, la descente ou la remonte des ouvriers soit calculée d'après la durée moyenne pondérée de descente ou de remonte de tous les postes d'ouvriers de l'ensemble du pays. Dans ce cas, la période comprise entre le moment où le dernier ouvrier du poste quitte la surface et celui où le premier

of the same shift returns to the surface shall not in any mine exceed seven hours and fifteen minutes, provided that no method of regulation shall be permitted by which the hewers as a class of workers would on the average work longer hours than the other classes of underground workers in the same shift

2 Any Member which, having applied the method laid down in this Article, subsequently applies the provisions of Articles 3 and 4 shall make the change simultaneously for the whole country and not for any part thereof

ARTICLE 6

1 (1) Workers shall not be employed on underground work in coal mines on Sundays and legal public holidays

(2) This requirement shall be deemed to be complied with if the workers are not employed during a period of twenty-four consecutive hours of which at least eighteen fall upon the Sunday or legal public holiday

2 National laws or regulations may authorise the following exceptions to the provisions of the preceding paragraph for workers over eighteen years of age

- (a) for work which, owing to its nature, must be carried on continuously,
- (b) for work in connection with the ventilation of the mine and the prevention of damage to the ventilation apparatus, safety work, work in connection with first aid in the case of accident and sickness, and the care of animals,
- (c) for survey work in so far as this cannot be done on other days without interrupting or disturbing the work of the undertaking,
- (d) for urgent work in connection with machinery and other appliances which cannot be carried out during the regular working time of the mine, and in other urgent or exceptional cases which are outside the control of the employer

3 The competent authorities shall take appropriate measures for ensuring that no work is done on Sundays and legal public holidays except as authorised by this Article

4 Work permitted under clauses (b), (c) and (d) of paragraph 2 of this Article shall be paid for at not less than one-and-a-quarter times the regular rate

5 Workers who are engaged to any considerable extent on work permitted under clauses (b), (c) and (d) of paragraph 2 of

ouvrier du même poste regagne la surface, ne devra dans aucune mine dépasser sept heures quinze minutes, toutefois, il ne pourra être autorisé aucun système de réglementation en vertu duquel la durée moyenne du travail des abatteurs, considérés comme une catégorie d'ouvriers, serait supérieure à celle des autres catégories d'ouvriers du même poste occupés aux travaux souterrains

2 Tout Membre qui, ayant pratiqué la méthode prévue au présent article, appliquerait ultérieurement les dispositions des articles 3 et 4 devra réaliser ce changement simultanément dans l'ensemble du pays et non pas dans une partie du pays

ARTICLE 6

1 (1) Les ouvriers ne devront pas être occupés aux travaux souterrains dans les mines de charbon le dimanche ou les jours de fêtes légales

(2) La disposition ci-dessus sera considérée comme satisfaite lorsque les ouvriers ne sont pas occupés pendant une période de vingt-quatre heures consécutives, dont dix-huit au moins sont comprises dans le dimanche ou jour de fête légale

2 La législation nationale pourra autoriser les exceptions suivantes aux dispositions du paragraphe précédent pour les ouvriers âgés de plus de dix-huit ans

- a) pour les travaux qui, par leur nature, sont nécessairement continus,
- b) pour les travaux relatifs à l'aérage de la mine, à la prévention de dommages aux installations d'aérage et à la protection de la mine, ainsi que pour les travaux de premiers secours en cas d'accident et de maladie, et les soins à donner aux animaux,
- c) pour les travaux d'arpentage des mines, lorsque ces travaux ne peuvent être effectués les autres jours sans interruption ou dérangement apporté à l'exploitation,
- d) pour les travaux urgents relatifs aux machines et autres installations, lorsqu'il est impossible de les exécuter pendant la période de fonctionnement normal de l'exploitation, ainsi que dans les autres cas urgents ou exceptionnels qui se produisent indépendamment de la volonté de l'exploitant

3 Les autorités compétentes prendront les mesures nécessaires pour qu'aucun travail ne soit effectué le dimanche ou les jours de fête légales, en dehors des exceptions autorisées par le présent article

4 Les travaux autorisés en vertu des alinéas b), c) et d) du paragraphe 2 du présent article seront rémunérés à un taux majoré d'au moins vingt-cinq pour cent par rapport au salaire normal

5 Les ouvriers qui sont occupés dans une large mesure aux travaux visés aux alinéas b), c) et d) du paragraphe 2 du présent

this Article shall be assured either a compensatory rest period or an adequate extra payment in addition to the rate specified in paragraph 4 of this Article. The detailed application of this provision shall be regulated by national laws or regulations.

ARTICLE 7

Lower maxima than those specified in Articles 3, 4 and 5 shall be laid down by regulations made by public authority for workers in workplaces which are rendered particularly unhealthy by reason of abnormal conditions of temperature, humidity or other cause.

ARTICLE 8

1 Regulations made by public authority may authorise the limits of hours provided for in Articles 3, 4, 5 and 7 to be exceeded in case of accident, actual or threatened, in case of *force majeure*, or in case of urgent work to be done to machinery, plant or equipment on the mine as a result of a breakdown of such machinery, plant or equipment, even if coal production is thereby incidentally involved, but only so far as may be necessary to avoid serious interference with the ordinary working of the mine.

2 (1) Regulations made by public authority may authorise the limits of hours provided for in Articles 3, 4, 5 and 7 to be exceeded in the case of workers employed on operations which by their nature must be carried on continuously.

(2) Such regulations shall not, except in the case provided for in sub-paragraph (4) below, authorise the employment of any worker for more than eight hours per day or forty-two hours per week exclusive of time spent in the mine by that worker in reaching and returning from his place of work.

(3) The competent authority in each country shall, after consultation with the organisations of employers and workers concerned where such exist, decide whether or not the above weekly limit may be calculated as an average. If the competent authority decides to permit averaging, it shall by the same procedure determine the number of weeks over which the average may be calculated.

(4) Such regulations may authorise workers in charge of main underground ventilation and pumping stations to be employed to such extent as may be necessary to permit the periodical change-over of shifts and time worked in virtue of this provision shall not be deemed to be overtime.

3 (1) Regulations made by public authority may authorise the limits of hours provided for in Articles 3, 4, 5 and 7 to be

article devront bénéficier soit d'une période de repos compensateur, soit d'une majoration de salaire adéquate s'ajoutant à celle qui est stipulée au paragraphe 4 du présent article. Les détails de l'application de cette disposition seront réglés par la législation nationale.

ARTICLE 7

Des règlements de l'autorité publique fixeront une durée de présence dans la mine plus courte que celle prescrite aux articles 3, 4 et 5, pour les ouvriers occupés dans les chantiers que des conditions anormales de température, d'humidité ou autres rendraient particulièrement insalubres.

ARTICLE 8

1 Des règlements de l'autorité publique pourront autoriser un dépassement des limites prévues aux articles 3, 4, 5 et 7 en cas d'accident survenu ou imminent, en cas de force majeure ou de travail urgent à effectuer aux machines, à l'outillage ou aux installations de la mine résultant d'avaries survenues auxdites machines, audit outillage ou auxdites installations, même si une production accidentelle de charbon en résulte, mais uniquement dans la mesure nécessaire pour éviter qu'une gêne sérieuse ne soit apportée à la marche normale de l'exploitation.

2 (1) Des règlements de l'autorité publique pourront également autoriser un dépassement des limites prévues aux articles 3, 4, 5 et 7 dans le cas d'ouvriers affectés à des travaux qui, par leur nature, sont nécessairement continus.

(2) Sauf dans le cas visé à l'alinéa (4) ci-dessous, ces règlements ne pourront autoriser l'emploi d'aucun ouvrier pour plus de huit heures par jour ou quarante-deux heures par semaine, non compris le temps passé dans la mine pour atteindre le lieu de travail et en revenir.

(3) Dans chaque pays, l'autorité publique, après consultation des organisations patronales et ouvrières intéressées, s'il en existe, décidera si la limite hebdomadaire ci-dessus peut être calculée en moyenne. Dans ce cas, elle fixera, suivant la même procédure, le nombre de semaines sur lequel cette durée moyenne peut être calculée.

(4) Ces règlements pourront autoriser l'emploi des ouvriers affectés à la marche des engins principaux d'exhaure et de ventilation dans la mesure nécessaire pour permettre le changement périodique de l'horaire des équipes. Les dépassements accomplis en vertu de cette disposition ne pourront pas être considérés comme heures supplémentaires.

3 (1) Des règlements de l'autorité publique pourront, dans la mesure indiquée ci-dessous, autoriser un dépassement des limites

exceeded to the extent stated below in the case of workers employed on technical work which

(a) is necessary for preparing or terminating work in the ordinary way or for a full resumption of work on the next shift; and

(b) does not involve the production or transport of coal

(2) The extent to which such regulations may authorise the limits referred to to be exceeded is

(a) half an hour per day,

(b) in the case of underground storemen, winchmen and locomotive drivers for whom the competent authority grants special exemption, such time as the said authority may specify when granting such exemption

4 In the case of all mines in normal operation the number of workers employed in virtue of paragraphs 2 and 3 of this Article shall at no time exceed five per cent of the total number of persons employed at the mine

5. Overtime worked in virtue of the provisions of this Article shall be paid for at not less than one-and-a-quarter times the regular rate

ARTICLE 9

1. Regulations made by public authority may, in addition to the provisions of Article 8, put not more than sixty hours' overtime in the year at the disposal of undertakings throughout the country as a whole.

2 This overtime shall be paid for at not less than one-and-a-quarter times the regular rate

ARTICLE 10

The regulations mentioned in Articles 7, 8 and 9 shall be made by public authority after consultation with the organisations of employers and workers concerned

ARTICLE 11

The annual reports submitted by Members upon the application of this Convention shall contain all information as to the action taken to regulate hours of work in accordance with the provisions of Articles 3, 4 and 5 They shall also furnish complete information concerning the regulations made under Articles 7, 8, 9, 12, 13 and 14 and concerning their enforcement

prévues aux articles 3, 4, 5 et 7 pour les ouvriers affectés a des occupations techniques, a condition que ces occupations

- a) soient indispensables à la preparation ou à l'achevement régulier de l'exploitation ou a sa reprise en plein travail par un poste suivant,
- b) ne soient pas liées a la production ou au transport du charbon

(2) La mesure dans laquelle ces règlements pourront autoriser un dépassement des limites prévues est la suivante

- a) une demi-heure par jour,
- b) dans le cas des magasiniers du fond, des machinistes de treuil souterrains et des conducteurs de locomotives, pour lesquels l'autorité compétente aurait accorde des exemptions, la durée fixée par ladite autorité au moment où elle a accorde l'exemption

4 Dans le cas de mines en exploitation normale, le nombre des ouvriers employés en vertu des paragraphes 2 et 3 du present article ne devra jamais dépasser cinq pour cent de l'effectif total du personnel de la mine

5 Les heures supplémentaires effectuées en vertu des dispositions du present article seront rémunérées à un taux majoré d'au moins vingt-cinq pour cent par rapport au salaire normal

ARTICLE 9

1 Des règlements de l'autorité publique pourront, en dehors des dispositions de l'article 8, mettre soixante heures supplémentaires au maximum par an a la disposition des entreprises pour l'ensemble du pays

2 Ces heures supplémentaires seront rémunérées à un taux majoré d'au moins vingt-cinq pour cent par rapport au salaire normal

ARTICLE 10

Les reglements mentionnés aux articles 7, 8 et 9 seront pris apres consultation des organisations patronales et ouvrières intéressées

ARTICLE 11

Les rapports annuels soumis par les Membres sur l'application de la presente convention devront contenir tous les renseignements nécessaires sur les mesures prises pour reglementer la durée du travail en conformite des articles 3, 4 et 5 Ils devront fournir, en outre des renseignements complets sur les reglements pris en vertu des articles 7, 8, 9, 12 13, 14 et sur leur application

ARTICLE 12

In order to facilitate the effective enforcement of the provisions of this Convention the management of every mine shall be required

- (a) to notify, by the posting of notices in conspicuous positions at the pithead or in some other suitable place or by such other method as may be approved by the public authority
 - (i) the hours at which the workers of each shift or group begin to descend and complete the ascent,
 - (ii) where a rotation system is applied, a description of the system including a time-table for each shift or group, and
 - (iii) the arrangements made in cases where the average duration of the working week is calculated over a number of weeks,
- (b) not to alter the hours so notified except in such manner and with such notice as may be approved by the public authority, and
- (c) to keep a record in the form prescribed by the public authority of all additional hours worked in pursuance of Articles 8 and 9 of this Convention

ARTICLE 13

1 In underground lignite mines Articles 3 and 4 and Articles 6 to 12 of this Convention shall apply subject to the following provisions

- (a) in accordance with such conditions as may be prescribed by national laws or regulations, the competent authority may permit collective breaks involving a stoppage of production not to be included in the time spent in the mine, provided that such breaks shall in no case exceed thirty minutes for each shift. Such permission shall only be given after the necessity for such a system has been established by official investigation in each individual case, and after consultation with the representatives of the workers concerned,
- (b) the number of hours' overtime provided for in Article 9 may be increased to not more than seventy-five hours a year

2 In addition, the competent authority may approve collective agreements which provide for not more than seventy-five hours' further overtime a year. Such further overtime shall likewise be paid for at the rate prescribed in Article 9, paragraph 2. It shall not be authorised generally for all underground lignite mines, but only in the case of individual districts or mines where it is required on account of special technical or geological conditions

ARTICLE 12

En vue de faciliter l'application des dispositions de la présente convention, la direction de chaque mine devra

- a) faire connaître au moyen d'affiches apposées d'une manière apparente sur le carreau de la mine ou en tout autre lieu convenable ou selon tout autre mode approuvé par l'autorité publique
 - i) les heures auxquelles doivent commencer et se terminer la descente et la remonte des ouvriers, soit du poste, soit d'un groupe quelconque,
 - ii) s'il est fait application d'un système de roulement, une description de ce système, y compris un horaire de travail pour chaque poste ou groupe,
 - iii) les dispositions prises dans les cas où la durée hebdomadaire moyenne du travail est calculée sur plusieurs semaines,
- b) une fois l'horaire notifié, ne le modifier que selon le mode et la forme d'avis approuvés par l'autorité publique,
- c) inscrire sur un registre, selon un mode uniforme déterminé par l'autorité publique, toutes les prolongations effectuées en vertu des articles 8 et 9

ARTICLE 13

1 Dans les mines souterraines de lignite, les articles 3 et 4 et les articles 6 à 12 de la présente convention s'appliquent sous réserve des dispositions suivantes

- a) dans les conditions prévues par la législation nationale, l'autorité compétente peut permettre que les pauses collectives entraînant un arrêt de la production ne soient pas comprises dans la durée de présence dans la mine, à condition que ces pauses n'excèdent en aucun cas une durée de trente minutes par poste. Cette permission ne sera accordée qu'après que la nécessité d'appliquer un tel système aura été établie par une enquête officielle dans chaque cas particulier et après consultation des représentants des travailleurs intéressés,
- b) le nombre des heures supplémentaires prévu à l'article 9 pourra être porté à soixante-quinze au maximum par an

2 En outre, l'autorité compétente peut admettre des conventions collectives qui prévoient soixante-quinze autres heures supplémentaires au maximum par an. Ces heures doivent être également rémunérées au taux prévu par le deuxième paragraphe de l'article 9. Elles ne peuvent être admises pour l'ensemble des mines souterraines de lignite, mais seulement pour des districts ou des mines particuliers ou des conditions techniques ou géologiques spéciales les justifient.

ARTICLE 14

1 In no open hard coal or lignite mine shall the hours of work of any worker exceed an average of forty per week

2 Where hours of work are calculated as an average the competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the number of weeks over which this average may be calculated

3 (1) No arrangement of hours of work made in virtue of this Article shall allow of any person working for more than eight hours in any day or forty-eight hours in any one week

(2) Provided that, subject to the forty-eight hour weekly limit, the daily limit may, by the sanction of the competent authority or by agreement between employers' and workers' representatives, be increased to nine hours

(3) Provided also that the limits of eight and forty-eight hours may be exceeded in exceptional cases in which the competent authority, after consultation with the employers' and workers' organisations concerned where such exist, approves an arrangement of hours involving higher limits

4 The rules prescribed for underground hard coal mines by Articles 6, 7, 8, 10, 11 and 12 shall apply also to open hard coal and lignite mines

5 (1) Regulations made by public authority may place at the disposal of open mines throughout the country as a whole not more than one hundred hours of overtime additional to the overtime permitted under Article 8

(2) Where special needs so require, but only in such cases, the competent authority may approve collective agreements which provide for an increase of the aforesaid one hundred hours by not more than a further hundred hours per year

(3) Overtime worked in virtue of this paragraph shall be paid for at not less than one-and-a-quarter times the regular rate

ARTICLE 15

Nothing in this Convention shall have the effect of altering national laws or regulations with regard to hours of work so as to lessen the guarantees thereby afforded to the workers

ARTICLE 16

The operation of the provisions of this Convention may be suspended in any country by the Government in the event of emergency endangering the national safety

ARTICLE 14

1 Dans aucune mine à ciel ouvert de houille et de lignite, la durée du travail de chaque ouvrier ne pourra excéder quarante heures en moyenne par semaine

2 Quand la durée du travail est calculée d'après une durée moyenne, l'autorité compétente doit, après consultation des organisations d'employeurs et de travailleurs intéressés, s'il en existe, fixer le nombre de semaines sur lequel cette durée moyenne peut être calculée

3 (1) Aucune répartition des heures de travail faite en vertu du présent article ne pourra autoriser un ouvrier à travailler plus de huit heures par jour ni plus de quarante-huit heures par semaine

(2) Toutefois, sous réserve de la limite hebdomadaire de quarante-huit heures, la limite journalière pourra être portée à neuf heures par décision de l'autorité compétente ou par accord entre les représentants des employeurs et des ouvriers

(3) En outre, les limites de huit heures par jour et quarante-huit heures par semaine pourront être dépassées dans des cas exceptionnels ou l'autorité compétente approuve, après consultation des organisations patronales et ouvrières intéressées, s'il en existe, une répartition comportant des limites plus élevées

4 Les dispositions établies pour les mines souterraines de houille par les articles 6, 7, 8, 10, 11 et 12 s'appliqueront aussi aux mines à ciel ouvert de houille et de lignite

5 (1) Des règlements de l'autorité publique pourront, en dehors des dispositions de l'article 8, mettre cent heures supplémentaires au maximum par an à la disposition des mines à ciel ouvert pour l'ensemble du pays

(2) Au cas où des besoins particuliers l'exigent et dans ce cas seulement, l'autorité compétente peut autoriser des conventions collectives qui prévoient l'addition, aux cent heures supplémentaires, de cent autres heures au plus par an

(3) Les heures supplémentaires prévues en vertu du présent paragraphe seront rémunérées à un taux majoré d'au moins vingt-cinq pour cent par rapport au salaire normal

ARTICLE 15

Rien dans cette convention n'aura pour effet de modifier les législations nationales relatives aux heures de travail, dans le sens d'un amoindrissement des garanties qu'elles accordent aux travailleurs

ARTICLE 16

L'application des dispositions de la présente convention peut être suspendue dans tout pays par le gouvernement en cas d'événement présentant un danger pour la sécurité nationale

DRAFT RESOLUTION ON THE ADJUSTMENT OF WAGES AND SALARIES

The Conference,

Having adopted a Resolution declaring its approval of the principle of the forty-hour week.

Considering that the application of this principle should not result in lowering the standard of living of the workers,

Invites Governments to take appropriate measures in order to ensure:

- (1) that any adjustment of wages and salaries should be effected as far as possible by means of direct negotiations between the employers and workers' organisations concerned, and
 - (2) that if agreement between the parties concerned cannot be reached, it should be possible for either of the parties concerned to submit the dispute to bodies competent to deal with wage questions and further, that where no such bodies exist they should be set up
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PROJET DE RÉSOLUTION CONCERNANT L'ADAPTATION DES SALAIRES ET TRAITEMENTS

La Conference,

Ayant adopté une resolution déclarant approuver le principe de la semaine de quarante heures,

Considerant que l'application de ce principe ne devrait pas avoir pour consequence une réduction du niveau de vie des travailleurs,

Invite les gouvernements a prendre les dispositions appropriées

- 1) pour que toute adaptation des salaires et des traitements se fasse dans la plus large mesure possible par voie de négociations directes entre les organisations patronales et ouvrières intéressées, et
 - 2) pour que, si un accord entre les parties intéressées se révèle impossible, le différend puisse être porté, par l'une ou l'autre des parties intéressées, devant des organismes habilités pour traiter les questions de salaires et pour que, lorsqu'ils n'existent pas, de tels organismes soient institués
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